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ABSTRACT

The determinants of faculty bargaining, including the impact of the organizational context of faculty behavior toward bargaining, are discussed in relation to findings from existing studies and findings from a longitudinal study of the New Jersey system of higher education. The introduction of this book provides the general context for studying the movement toward bargaining by academic professions, a synthesis from the faculty bargaining literature of those factors considered important in understanding the bargaining movement, and a description of the New Jersey study. Part I of the book integrates the findings from the New Jersey study with the literature on collective bargaining and presents a general statement on the origins of collective bargaining in institutions of higher education. The chapters in Part II provide detailed case studies of the emergence of bargaining at the 30 public and private institutions in New Jersey now unionized. They include: the New Jersey State Colleges; Rutgers University; Newark College of Engineering (New Jersey Institute of Technology); the College of Medicine and Dentistry of New Jersey; The New Jersey County Colleges; Monmouth College; Rider College; Bloomfield College; and Fairleigh Dickinson University. (Author/SPG)

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ACADEMIC BARGAINING:

ORIGINS AND GROWTH

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JAMES P. BEGIN • THEODORE SETTLE • PAULA ALEXANDER

ACADEMIC BARGAINING:

ORIGINS AND GROWTH

Department of Research
Institute of Management and
Labor Relations
October 1977

JAMES P. BEGIN • THEODORE SETTLE • PAULA ALEXANDER

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PREFACE AND ACKNOWLEDGEMENTS

Over the ten-year history of the faculty bargaining movement much has been written about the determinants of faculty bargaining, including the more recent appearance of empirically-based studies. While this existing literature is useful for suggesting a preliminary framework setting out the origins of the faculty bargaining movement, the causal connections suggested in the literature leave something to be desired.

Since many of the studies were based on attitudinal data or a national data base, they are subject to basic problems for establishing causal relationships. The cross-sectional analysis of a static national data base tends to mask the dynamic relationships of the variables. And the analysis of relationships between faculty attitudes, values, and demographic and status data fail to predict the actual behavior of the faculty in respect to unions, primarily because the faculty behavior takes place in and is affected by the organizational context (e.g., leadership style, economic condition) of a particular institution of higher education.

By combining the findings from existing studies with the findings from a longitudinal study of a single system of higher education, the public and private institutions comprising the New Jersey system of higher education, this book develops a general statement on the determinants of faculty bargaining which takes into consideration the impact of the organizational context on faculty behavior toward bargaining. The authors feel that the detailed study of New Jersey offers a number of additional insights into the dynamics of the faculty bargaining movement.

For ease of reading, the book has been divided into two parts. The Introduction provides the general context for studying the movement toward bargaining by the academic profession. It also provides a synthesis from the faculty bargaining literature of those factors considered important in understanding the bargaining movement and which were used in guiding the New Jersey data collection. Finally, it describes the New Jersey study.

Chapter 1 in Part I, a summary chapter, integrates the findings from the New Jersey study with the literature on collective bargaining and presents a general statement on the origins of collective bargaining in institutions of higher education.

The chapters in Part II provide detailed case studies of the emergence of bargaining at the thirty public and private institutions in New Jersey now unionized. The more specific information contained in these chapters should be of particular interest to faculty and administrators either facing the question of faculty unionization or otherwise interested in following the detailed accounts of events and actions contributing to the emergence of faculty bargaining. Union College and the Stevens Institute of Technology are not included in the book since they were unionized after data collection had taken place.

The authors are indebted to large numbers of individuals and organizations who have aided the funding, data collection, analysis, and writing. The authors are particularly appreciative of the funds provided by the U.S. Office of Education, the Carnegie Corporation of New York and the Institute of Management and Labor Relations, Rutgers University. To the parties under research who always responded to our constant requests for interviews and more information, we are indebted. The authors also express thanks to Hope Fead and Jake Cook for editing the manuscript, and to Judy von Loewe, Maryjanet Rodriguez, Alida Jagt, Betty Lou Heffernan, Beatrice Lynch, and Helene Bernstein who so efficiently typed and proofread numerous drafts. The helpful comments of our colleagues in the Institute of Management and Labor Relations were also appreciated.

INTRODUCTION

One of the most notable changes in occupational structure in the United States over the past thirty years has been the growth of professional and technical employees. "In 1940, there were 3.9 million such persons in the society; by 1964, the number had risen to 8.6 million; and it is estimated that by 1975 there will be 13.2 million professional and technical persons, making it the second largest of the eight occupational divisions in the country...."[1]

Bell suggests that a significant implication for our post-industrial society inferred by this change in occupational structure is that society is now being "organized around knowledge" rather than around machines.[2] In addition he suggests that "this fact gives rise to new social relationships and new structures which have to be organized politically."[3]

One indication of the impact of this growth in professional and technical employment is the increase in both the number of professional associations and the number of members in professional associations. Many of these professional associations have chosen collective bargaining as a means of organizing politically to relate to our complex society. In the United States actors, musicians, and airline pilots have a long-standing tradition of unionization. Other professions or semi-professions (e.g., nurses, teachers, and faculty) made significant moves toward unionization in the 1960s. In a nine-year period (1965-1973), for example, it has been estimated that at least 70 percent of the elementary and secondary school teachers were organized.[4]

While faculty in institutions of higher education have not organized as rapidly as teachers, a definite trend toward unionization has emerged, particularly in two-year institutions and former teachers' colleges. It is estimated that the faculty in one-fifth of all two-year institutions in the United States are now represented by bargaining agents.[5] Since the first four-year institution was organized by the American Federation of Teachers (AFT) in 1967 (U.S. Merchant Marine Academy), 11 percent of all four-year institutions have been includec in faculty bargaining units. After a slowdown in the rate of growth in 1973 and 1974, between two and three percent of the total institutions in the country were organized each year in 1975 and 1976. A substantial increase in growth seems to be developing in 1976 as new bargaining legislation in states such as California and Florida has stimulated further expansion in the public sector.

Many observers have noted that institutions of higher education have traditionally provided a reasonable balance between professional faculty needs and bureaucratic, organizational goals. Vollmer, for example, pointed out that research entrepreneurship was one mechanism which developed in higher education to accommodate professional and organizational needs.[6] Self-governance mechanisms and tenure systems represent other forms of adaptation. Burton Clark pointed out that the growth of institutions of higher education and the development of disciplines has produced a federated system of organization which has permitted a maximum degree of professional participation.[7]

Given this balance in the past between professional needs and organizational goals, why is it that faculty in institutions of higher education began initiating collective bargaining relationships in the 1960s, a movement which has continued to grow year by year? It is the purpose of this book to set out those factors which are important to understanding the origins of collective bargaining in the academic profession. This book develops a general statement on the origins of faculty bargaining by integrating the findings of a longitudinal study of collective bargaining in New Jersey's institutions of higher education with findings presented in the literature produced over the ten-year history of collective bargaining in higher education.

Discussion of Study and Methods

To provide a dynamic dimension to the analysis of the origins of faculty bargaining, a longitudinal case study of the New Jersey system of higher education was undertaken. Since 1969 the Department of Research of the Institute of Management and Labor Relations, Rutgers University, has been documenting the development of the faculty bargaining movement across the United States, giving particular attention to New Jersey institutions of higher education. The New Jersey research effort was supported initially by the U.S. Office of Education, and for the past three years has been funded by the Carnegie Corporation of New York.*

The major questions which the research project of which this study is a part attempts to answer are: why have faculty at these institutions chosen to organize; what have been the effects of the faculty bargaining movement on the structure and processes of the institutions?

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*Although the study was made possible by funds from the U.S. Office of Education and the Carnegie Corporation, the statements made and views expressed are solely the responsibility of the authors.

A synthesis of the existing literature suggests that a consideration of the factors listed below may be useful in explaining the incidence and pattern of the faculty bargaining movement.

Elements of Faculty Job Satisfaction

- Economic Benefits
- Academic Freedom
- Tenure
- Decision-making Authority
- Methods of Instruction
- Curriculum Decisions
- Promotion Procedures
- Workload
- Relations with Administration
- Public Support of Higher Education
- Relations with Colleagues

External Environment

- Legislation
- Market Factors
- External Bargaining Experiences
- Union Competition

Organizational Context

- Type of Institution
- Type of Control
- Decision-making Structure
- Economic Condition of Institution
- Quality of Institution
- Leadership Style
- Prior Relationships with Potential Bargaining Agents at Institution
- Administrative Attitudes toward Bargaining
- Organizational Change
  - Size
  - Structure
  - Function

Faculty Social Beliefs as Organizational Determinants

- Age
- Rank
- Tenure Status
- Political Orientation

Sex
Academic Discipline
Prior Familiarity with Unions
Level of Professionalism
Religious Background
Class Origins

The data base to answer these questions has been developed from over 600 structured and unstructured interviews, direct observation of over 500 meetings related to the bargaining and governance processes, analysis of documents containing hundreds of items related to the history and evolution of the bargaining and governance processes, and a statewide questionnaire survey of faculty perceptions in the public institutions.

This book focuses on the first phase of the research--the origins of faculty collective bargaining. The question of the relationship between faculty professionalism and unionism is considered from the perspective of the forces producing the faculty bargaining movement in New Jersey institutions of higher education. A case can be made that a full discussion of the relationship between professionalism and unionism requires an assessment of the impact of bargaining on faculty benefits and rights and on institutions of higher education. Indeed, it is the eventual purpose of the New Jersey project to make these assessments. However, faculty motivations for entering into a different form of faculty participation may be sufficiently different from the consequences of bargaining as to require separate treatment. For this reason, this book will concentrate on documenting the origins of faculty bargaining in New Jersey as separate and apart from the ultimate consequences of such actions to be dealt with in future publications.

The field research specifically related to the origins of faculty bargaining consisted of interviews conducted at all institutions with faculty and administration leaders. Extensive analysis was also made of relevant documents, including correspondence, campaign materials, union newsletters, institutional newsletters, newspapers, and minutes of meetings. Where possible, organizational meetings were observed directly.

The System

The system of higher education in New Jersey is uniquely suited to a study of this type. From a research standpoint New Jersey possesses the important advantage of being the first state in which formal faculty collective bargaining has been introduced at all levels of public institutions. One of the first private institutions to unionize is also in New Jersey; Monmouth College is believed to be the first private institution in which the National Labor Relations Board (NLRB) supervised an election. Thus, faculty motivations in respect to collective bargaining in the State of New Jersey were relatively free of contamination from experiences in other states. Dozens of interested parties have traveled to New Jersey to explore the faculty bargaining phenomenon. But, with the exception of the City University of New York, the similar parties in New Jersey had few places to seek information.

The public system of higher education in New Jersey consists of Rutgers University, the eight state colleges, the New Jersey Institute of Technology (NJIT) (formerly the Newark College of Engineering), the College of Medicine and Dentistry (CMDNJ), and fifteen community colleges. The total number of two- and four-year private institutions in the state is twenty-eight.

Currently in New Jersey there are nineteen faculty bargaining units covering twenty-six public institutions and six units covering six private institutions. Figure 1 illustrates the organized institutions, the bargaining agents, and the dates of initial organization (and subsequent changes in affiliation). All the public institutions in New Jersey are organized. Of the twenty-eight private institutions, four four-year colleges and one two-year institution are organized, over one-fifth of the total.

The New Jersey experience follows national trends relatively closely in that, for public institutions, coverage by legislation means that most public institutions subject to the legislation subsequently unionize; few rejections have occurred where elections take place. No New Jersey faculty, public or private, has rejected

Figure 1

BARGAINING UNITS IN NEW JERSEY INSTITUTIONS OF HIGHER EDUCATION

Institutions	Current (initial) Bargaining Agent	Year of Unionization
PUBLIC		
STATE COLLEGES Kean, Glassboro, Jersey City, Paterson, Montclair, Ramapo, Stockton, Trenton	AFT (NJEA)	1972 (1969)
New Jersey Institute of Technology	Professional Staff Association (IND.)	1970
Rutgers University	AAUP	1970
College of Medicine and Dentistry	AAUP	1972
COMMUNITY COLLEGES (2 yr.)		
Atlantic	NJEA	1968
Bergen	NJEA	1968
Brookdale	NJEA	1971
Burlington	NJEA	1970
Camden	AFT (NJEA)	1972 (1968)
Cumberland	NJEA	1968
Essex	NJEA	1968
Gloucester	AFT (NJEA)	1972 (1968)
Mercer	NJEA	1970
Middlesex	AFT	1968
Morris	NJEA (IND)	1975 (1974)
Ocean	NJEA	1968
Passaic	NJEA	1972
Salem	NJEA	1975
Somerset	AFT (NJEA)	1973 (1971)
PRIVATE		
Bloomfield College	AAUP	1973
Fairleigh Dickinson University	AAUP	1974
Monmouth College	NJEA	1971
Rider College	AAUP	1973
Union College (2 yr.)	AAUP	1974
Stevens Institute of Technology	AAUP	1976

collective bargaining when presented with the opportunity to register its opinion through a signature drive or an election. Experience in New Jersey private institutions does deviate from national trends in that the rate of organization is much higher (20 percent compared to 2 percent), and there have been no faculty rejections of bargaining to date. Nationally, approximately 40 percent of the bargaining elections in private institutions end in a "no union" victory.

Higher education in New Jersey is coordinated by the State Board of Higher Education and its administrative arm, the Department of Higher Education, both established in 1966. New Jersey historically had exported over half of its high school graduates to other states for their college education. For example, in 1963 it was reported that 55 percent of the high school graduates attended college out of state. Under the new agency, enrollments have increased rapidly with the expansion of existing institutions and establishment of new community and state colleges. By 1975 over 50 percent of the students were attending colleges in state.

Before the Board and Department of Higher Education were established in 1966 the various institutions of higher education in New Jersey had been coordinated by the Department of Education. While Rutgers University and the New Jersey Institute of Technology had been only nominally controlled by the department, decisions in state colleges were highly centralized in this body. No statewide faculty governance mechanism relating the various institutions was ever developed.

The public community college system emerged in the mid-sixties and is funded jointly by state and county governments. The colleges are relatively autonomous vis-à-vis the county governing bodies in respect to policy development, but the growing influence of the State Department of Higher Education is a subject of concern to the local institutions.

The public and private systems are not unrelated. The State of New Jersey, despite the grumblings of the public institutions, is providing some funding to the private institutions. The Department of Higher Education also coordinates program development in both public and private institutions. Additionally, the expansion of the public, community colleges with their low-cost education and open enrollment policies is believed to have reinforced enrollment pressures for private institutions, which, with the exception of Princeton University, depend heavily on New Jersey students.

As will be noted in the following chapters, the emergence of a strong, centralized, coordinating authority contributed to the incidence and pattern of faculty bargaining in New Jersey.

The Legislative Framework

Most public institutions in New Jersey were organized within two years after the passage in 1968 of the New Jersey Public Employment Relations Act which provided collective bargaining rights for public employees in New Jersey. The law established the Public Employment Relations Commission (PERC) and procedures for determining bargaining units, holding elections, and resolving bargaining impasses. Provisions for hearing unfair labor practices were not specifically included in the act. Earlier court decisions prohibiting the right of New Jersey public employees to strike were not superseded by the legislation.

The initiation of bargaining in the private institutions followed the reversal by the National Labor Relations Board in 1971 of its eighteen-year-old precedent wherein private institutions of higher education were not subject to federal labor legislation. Private institutions are now within the jurisdiction of the long-established, and generally stronger, federal labor laws. For example, faculty in private institutions have the right to strike.

The importance of legislation in stimulating the development of the faculty bargaining movement certainly cannot be underestimated. But the discussion of the experiences in twenty-nine New Jersey institutions will illustrate that there were other important determinants.

NOTES

1. Daniel Bell, "The Measurement of Knowledge and Technology," in Indicators of Social Change: Concepts and Measurements, ed. Eleanor Bernert Sheldon and Wilbert E. Moore (New York: Russell Sage Foundation, 1968), p. 155.

2. *Ibid.*

3. *Ibid.*

4. BNA, GERR, No. 545 (11 March 1974), p. D-2.

5. James P. Begin, "Faculty Bargaining in 1973: A Loss of Momentum?" *The Journal of College and University Personnel Association*, Vol. 25, No. 2, April, 1974.

6. Howard M. Vollmer and Donald L. Mills, eds., *Professionalization* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1966), pp. 276-282.

7. Burton R. Clark, "College Teaching," in *Professionalization*, ed. Vollmer and Mills, pp. 283-291.

Part I

A GENERAL STATEMENT: NEW JERSEY IN CONTEXT

This chapter draws together the findings from previous studies of collective bargaining in higher education and the additional insights offered by the longitudinal study of the origins of collective bargaining in the public and private institutions that comprise the New Jersey system of higher education. A general statement is presented on the determinants of collective bargaining in institutions of higher education.

In sorting out and clarifying the factors important to the movement of faculty in establishing collective bargaining relationships, it is useful to distinguish three basic categories of variables affecting job satisfaction and acceptance of unionization: (1) variables external to institutions of higher education which have a direct impact on their operation; (2) organizational characteristics of the institutions themselves; and (3) characteristics describing faculty and administrators.

External Factors

Legislation

A number of authors have concluded that legislation is a major cause of faculty bargaining. Indeed, legislation does have extremely important effects on collective bargaining because it establishes access to and shapes the boundaries of a collective bargaining relationship. The enactment of legislation establishing rights for employees to organize facilitates the ability of a faculty to gain access to the collective negotiations process, particularly legislation which protects employee rights to engage in union activities and which provides recognition procedures (unit determination and election procedures).

It is no coincidence that most of the public institutions in which faculty bargaining has occurred are located in states with labor legislation covering public employees.[1] As Garbarino points out, about 90 percent of the organized institutions are located in states with the strongest legislation.[2] Moreover, the recent slowdown of the growth of faculty bargaining is a reflection of the fact that most of the public institutions in states with legislation are organized.[3] In states without legislation, there have been few administrations willing to permit elections for a faculty bargaining agent without a statutory requirement. The most notable examples of this position are institutions in Wisconsin, California, and Washington. Administrations in Ohio and Illinois have been less reluctant to proceed to bargaining without statutory authority.

Thus the statistical data support the importance of legislation, and for this reason George S. Bain pinpointed legislation as a major causative factor in producing professional unionism.[4] However, Adams disagreed with Bain's formulation of legislation as an autonomous variable.[5] Adams (and other authors) conceives of labor legislation as the product of constant employee pressure and union lobbying. Therefore, to treat legislation as an autonomous variable would appear to ignore these political activities of employees and unions and the dissatisfaction which produced the efforts to pass legislation.

Moreover, in the case of higher education, the legislative variable does not explain the low penetration of collective bargaining into higher quality institutions or into private institutions. While private institutions are all covered by strong federal labor legislation, by the end of 1976 4 percent were organized compared with over one-fourth of the public institutions. Furthermore, while nearly 40 percent of the elections in private institutions have ended in "no union" votes, only a small percentage of the public institutions have voted "no union."[6] Clearly other forces must therefore be at work in private institutions.

The data from the New Jersey study permit a closer examination of the relationship between legislation and the establishment of collective bargaining. On the surface it would appear that in New Jersey legislation precipitated the move of faculty toward bargaining. Within a short time after New Jersey's public and private institutions of higher education came under the jurisdiction of applicable state or federal labor legislation, all but one of the twenty-six public institutions and one-fifth of the twenty-five private institutions were engaged in collective bargaining. No faculty, when confronted with the choice, turned down faculty unionism during this period. Only one institution, Monmouth College, sought recognition before the National Labor Relations Board (NLRB) in 1971 assumed jurisdiction over private higher education institutions. But even in that case, the faculty were proceeding under precedent in New Jersey in which the courts had previously interpreted the New Jersey constitution as permitting bargaining in private organizations even though there was no specific labor legislation.

On first glance, an examination of Tables [illegible] and 2 and the seemingly wide variation of reasons for unionizing found therein would tend to support a feeling that collective bargaining, once permitted by legislation, is a mechanism looking for an excuse to exist. But a closer analysis indicates that there are definite patterns to the unionization of New Jersey faculty which transcend legislative stimuli.

In the state colleges, the Association of New Jersey State College Faculty (a New Jersey

Table 1

SUMMARY ORIGINS of FACULTY BARGAINING

	LEGIS.	MARKET FACTORS	EXT. BARG. EXPER.	UNION COMPET.	ORGAN. CHANGE	AUTHOR. STRUCT. MGT. STYLE	ADMIN. OPPOS.	FAC. OPPOS.	PRIOR REL. WITH AGENTS	
									WITHIN INST.	BEFORE JOIN. INST.
STATE COLLEGES	2	0	0	1	3	2	0	0	3	1
RUTGERS	2	0	0	3	2	1	0	0	3	0
NJIT	2	1	0	3	2	2	0	0	3	0
CMDNJ	2	0	1	0	3	3	1	0	0	0
TWO-YEAR	2	1	3	1	3	3	0	0	0	2
MONMOUTH	2	0	3	0	3	3	0	0	0	2
RIDER	2	0	1	0	3	3	0	0	3	0
BLOOMFIELD	2	3	1	0	3	3	0	0	3	0
FAIRLEIGH DICKINSON	2	2	1	2	3	3	1	0	3	0

Definition of Codes:

0 - The factor was not important in causing unionization because it did not exist or had no effect on the outcome if it did.

1 - The factor had some importance, but was not determinative.

2 - The factor was important because it had a major but not a basic causative effect.

3 - The factor was very important because it was a basic cause of unionization.

Table 2
SUMMARY OF SPECIFIC ISSUES
(except governance)

STATE COLLEGES	Salary, tenure policies.
RUTGERS	No major issues.
NJIT	Except for curricula changes, no major issues.
CMDNJ	Salary inequities, tenure policies, personnel procedures, sabbatical, curricula decisions, grievance procedures, new facilities.
TWO-YEAR	Salary, economic inequities, other issues varied by campus.
MONMOUTH	Salary, merit, grievance procedures, admissions policy, new programs, and buildings.
RIDER	Tenure policies, faculty evaluation, budget, selection of administrators.
BLOOMFIELD	Abolition of tenure system.
FAIRLEIGH DICKINSON	Salary, merit, movement of campus.

Education Association [NJEA] affiliate) strongly supported proposed legislation and in many circles the NJEA was thought to have played a major role in the eventual passage of the bargaining law. The lobbying strength of the faculty alone was not determinative in the passage or shaping of the legislation--but the faculty were members of and supported the goals of one of the strongest (many think the strongest) lobbying forces in the state. But the support of bargaining legislation by the state college faculty was directly related to the frustrations with organizational changes which predated the development of legislation.

The reorganization of higher education in 1966 which separated the state colleges from the authority of the Board of Education upset established working relationships between the faculty (through the NJEA) and the Board of Education. When difficulties arose in developing relationships with the new Board of Higher Education, particularly in respect to obtaining salary increases given to the faculty in other institutions, the state college faculty, through their association with NJEA, sought to include college teachers in a law permitting public employees the right to bargain collectively. Upon passage of the bill, the Association of New Jersey State College Faculty (ANSCF) immediately sought recognition as the bargaining agents for the state college faculties. In fact, the first Public Employment Relations Commission unit determination dealt with the state colleges.

The impending unionization of the state colleges created vibrations throughout the public system which soon led to the defensive organization of Rutgers University, the New Jersey Institute of Technology (NJIT), and subsequently the College of Medicine and Dentistry of New Jersey (CMDNJ).

Consideration of other external and organizational factors reported below further strengthen the findings that legislation has not been an autonomous variable among the determinents of the faculty movement toward collective bargaining in New Jersey and in other states.

Market Factors

For most disciplines the academic bull market has recently ended as a result of decreases in the rate of enrollment growth and of the reduction in financial support by federal and state authorities. However, Bain's simplified three-factor model (employee concentration, legislation, and management recognition) for explaining the emergence of professional unionism did not include economic insecurity as a causative factor.[7] Adams later found that, contrary to Bain's model, economic security was important in the unionization of Sweden's white collar employees.[8] In higher education, cutbacks have been identitified as a major cause of faculty dissatisfaction at Albion[9] and Youngstown State University.[10] Feuille and Blandin also indicated that a state budget squeeze accounted for the fact that the greatest area of dissatisfaction for the University of Oregon faculty was the state's financial support of the university.[11]

While market factors are important in explaining the recent unionization of campuses, the New Jersey study illustrates that faculty in the institutions who unionized in the 1960s and early 1970s were responding to other sources of stress. With the exception of two private institutions, Bloomfield College and Fairleigh Dickinson University, faculty unionization among New Jersey institutions took place before enrollment either leveled or dropped, or before the legislature began cutting its support for enrollment growth (See Tables 3 and 4). At Bloomfield College and Fairleigh Dickinson University, the issue of job security was central to the movement to form bargaining relationships. However, since most of the private institutions in New Jersey experienced enrollment declines, other forces also had to be at work. Ironically, it was the rapid expansion of the *public* system which reinforced the enrollment pressures on the private institutions which had previously grown to fill the gap left by the then inadequate public system. Both the private institutions (except for Princeton) and the two-year and state colleges rely heavily on New Jersey residents.

TABLE 4

STATE APPROPRIATIONS TO PUBLIC COLLEGES & UNIVERSITIES IN NEW JERSEY (IN THOUSANDS OF DOLLARS)
Fiscal Years 1966-1976

	FY 1966	FY 1967	FY 1968	FY 1969	FY 1970	FY 1971	FY 1972	FY 1973	FY 1974	FY 1975	FY 1976
NJ STATE COLLEGES	23,422 -	27,446 (+17)	32,068 (+17)	39,430 (+23)	50,419 (+28)	61,092[a] (+21)	73,746 (+21)	93,158 (+26)	104,473[b] (+12)	113,723 (+9)	111,250 (-2)
RUTGERS, THE STATE U.	24,538 -	28,816 (+17)	33,697 (+17)	39,292 (+17)	47,320 (+20)	52,999 (+12)	61,992 (+17)	64,630 (+4)	72,053 (+12)	81,019 (+12)	80,614 (-1)
NJIT	2,733 -	3,419 (+25)	3,949 (+16)	4,983 (+26)	5,880 (+18)	6,656 (+13)	7,356 (+11)	7,449 (+1)	8,516 (+14)	9,239 (+9)	9,697 (+5)
CMDNJ	700 -	2,489 (+256)	4,005 (+61)	6,193 (+55)	8,009 (+29)	9,863 (+23)	24,145[c] (+145)	34,828 (+44)	36,826 (+6)	44,222 (+20)	40,262 (-9)
COMMUNITY COLLEGES	0 -	1,181 -	3,922 (+232)	9,293 (+137)	15,553 (+67)	20,040 (+29)	24,974 (+25)	28,747 (+15)	33,014 (+15)	35,895 (+9)	37,280 (+4)
TOTALS	51,393 -	63,351 (+23)	77,641 (+23)	99,191 (+28)	127,181 (+28)	150,650 (+19)	192,213 (+28)	228,812 (+19)	254,882 (+11)	284,098 (+12)	279,103 (-2)

Sources:
1. Appropriations Handbooks (For all figures for Rutgers, NJIT, CMDNJ, and all State Colleges).
2. New Jersey Community Colleges the First Ten Years, 1963-1973 (For Fiscal Years, 1966-1973).
3. Community College Finances, 1973-1974, NJ DHE (For Fiscal Year 1974, Community Colleges).
4. Budget Recommendations, Fiscal Year 1976-1977, NJ Board H.E. (For Fiscal Year 1975 for Community Colleges and Fiscal Year 1976 for all colleges).

[a] Initial Appropriations to Ramapo and Stockton Colleges

[b] Montclair State College adds NJ State School of Conservation

[c] Rutgers University Medical School merged with New Jersey Medical School

TABLE 3
ENROLLMENT TRENDS IN COLLEGES & UNIVERSITIES IN NEW JERSEY
Fall 1966 to Fall 1975[a]

Public	Fall 1966	Fall 1967	Fall 1968	Fall 1969	Fall 1970	Fall 1971	Fall 1972	Fall 1973	Fall 1974	Fall 1975
NJ State Colleges	29,743	33,031	36,773	41,369	49,941	57,232	55,789	63,031	69,834	71,244
	-	(+11)[b]	(+11)[b]	(+13)[b]	(+21)[b]	(+15)[b]	(-3)[b]	(+13)[b]	(+11)[b]	(+2)[b]
Rutgers, the State U.	20,729	20,308	22,149	22,811	27,324	28,027	29,061	30,243	32,657	33,603
	-	(-2)	(+9)	(+3)	(+20)	(+3)	(+4)	(+4)	(+8)	(+3)
NJIT	3,794	3,818	3,915	4,010	4,067	3,757	3,430	3,368	4,138	4,535
	-	(+1)	(+3)	(+2)	(+1)	(-8)	(-9)	(-2)	(+23)	(+10)
CMDNJ	490	492	495	533	558	674	933	958	1,044	1,096
	-	(+.4)	(+1)	(+8)	(+5)	(+21)	(+38)	(+3)	(+9)	(+5)
Community Colleges	3,474	10,400	21,888	37,974	46,418	54,578	60,281	67,166	76,840	91,202
	-	(+199)	(+111)	(+74)	(+22)	(+18)	(+10)	(+11)	(+13)	(+19)
Total Public	58,230	68,049	85,220	106,697	128,308	144,268	149,494	164,766	184,513	201,680
	-	(+17)	(+25)	(+25)	(+20)	(+12)	(+4)	(+10)	(+12)	(+9)
Private										
Monmouth	4,625	4,951	5,447	5,327	5,450	5,020	4,116	3,652	3,301	3,047
	-	(+7)	(+10)	(-2)	(+2)	(-8)	(-18)	(-11)	(-10)	(-8)
Rider	5,266	5,542	5,564	5,618	5,800	5,464	5,122	4,824	5,046	4,914
	-	(+5)	(+.4)	(+1)	(+3)	(-6)	(-6)	(-6)	(+5)	(-3)
Bloomfield	993	1,349	1,427	1,557	1,616	1,698	1,555	1,408	950	1,288
	-	(+36)	(+6)	(+9)	(+4)	(+5)	(-8)	(-10)	(-33)	(+36)
F.D.U.	15,876	15,190	15,565	15,345	15,616	15,184	14,389	13,578	13,132	12,338
	-	(-4)	(+3)	(-1)	(+2)	(-3)	(-5)	(-6)	(-3)	(-6)
Other Private	20,253	20,608	22,823	24,068	22,962	23,009	22,779	22,628	22,970	24,006
	-	(+2)	(+11)	(+6)	(-5)	(+.2)	(-1)	(-1)	(+2)	(+5)
Total Private	47,013	47,640	50,826	51,915	51,444	50,375	47,961	46,090	45,399	45,593
	-	(+1)	(+7)	(+2)	(-1)	(-2)	(-5)	(-4)	(-2)	(+.4)
Total Public & Private	105,243	115,689	136,046	158,612	179,752	194,643	197,455	210,856	229,912	247,273
	-	(+10)	(+18)	(+17)	(+13)	(+8)	(+1)	(+7)	(+9)	(+8)

Source: New Jersey Department of Higher Education Data Briefs

a: Except for the College of Medicine and Dentistry of New Jersey (CMDNJ), enrollment figures are for full- and part-time undergraduate students.

b: Numbers in parentheses represent the percentage increase in enrollment from the prior year.

External Bargaining Experience

Especially in the two-year colleges faculty dissatisfaction and faculty acceptance of collective negotiations derive from noticing economic gains made by public school teachers. Recognition that colleagues in other institutions of higher education have gained rewards, either economic or noneconomic, from the collective negotiations process becomes a contributing factor. The wage structure at the City University of New York (CUNY), for example, has been widely cited.

In New Jersey, since all public four-year institutions except CMDNJ (1972) were organized in the early years of the faculty bargaining movement, few external faculty bargaining experiences were available to affect faculty perceptions in respect to collective bargaining. Perhaps the organization of nearby CUNY had some effect, but it did not surface as a major influence in numerous interviews. Faculty had organized at most public institutions in New Jersey before the first contract in a four-year institution was negotiated. The exceptions would be CMDNJ and those two-year colleges which did not begin operations until after the bargaining law was passed and thus were unionized after the other institutions. At CMDNJ, the Rutgers AAUP bargaining model was pushed hard by the CMDNJ leadership of the AAUP. But faculty dissatisfaction with other factors was the principal motivation and the favorable Rutgers experience chiefly facilitated the transition to collective bargaining. The faculty in the two-year colleges which opened at a later point were guided by the activities of the previously organized institutions.

Four private, four-year institutions were organized by the AAUP after all but one public institution had been organized. By that time, the fact that many private colleges in the New York City area had organized probably helped make bargaining appear less in conflict with the professional values of the faculty in private institutions. Personal contacts between leaders at unionized and nonunionized institutions, facilitated by forums such as the AAUP state conference, undoubtedly had an impact as well.

In sum, enough faculty bargaining experience has now developed around the country to affect faculty perceptions at nonunionized institutions, but at the time the first New Jersey faculties were organized, few external experiences of the kind existed to guide faculty perceptions. Subsequent discussion will show, however, that the first organizing efforts among faculty in New Jersey in the state colleges, the public two-year colleges, and Monmouth College had roots in the bargaining experiences of the public education system, and this factor facilitated faculty acceptance of the bargaining process.

Union Competition

The existence of several bargaining agents seeking to organize a particular faculty may condition faculty response to unionism. For example, faculty members may have strong reactions against one or more of the competitors and will thus decide not to vote "no union" but to vote defensively for the union they feel most nearly reflects their values or interests. This factor may account for the finding of Seidman, Kelley, and Edge that some of the factors which explained faculty attitudes toward bargaining in a preelection attitude survey were not as useful in explaining actual voting behavior.[12]

In three separate studies, Mortimer and his colleagues have identified the presence of this force. In a postelection questionnaire administered in the Pennsylvania state colleges, the number of faculty who indicated that they would have voted for the "no representative" option if they had felt it had any chance of winning was enough to have thrown the election into a runoff.[13] At Temple University a postelection questionnaire indicated that "apparently an additional 15 percent of the faculty really preferred not to have collective bargaining at all"--in addition to the 17 percent who actually voted for "no representation" in the first election.[14] A study of the thirty-two union election defeats that had occurred in twenty-eight four-year and in four two-year institutions through June 1974 produced a conclusion that "...there is a tendency among faculty to try and pick a winner, or at least to avoid throwing away their votes on choices which are not perceived to be viable."[15]

A number of states (e.g., Oregon, Washington, and Wisconsin) have reacted to this effect of union competition by adopting or proposing to adopt a two-tiered election system in which the faculty first vote "yes" or "no" for unionism. If a majority indicates "yes," then the votes for specific agents are tallied to determine the victor.

Union competition had a varying impact on New Jersey institutions. At the state colleges and two-year colleges, union competition was of little consequence. The drive for unionization at these institutions was too strong and the acceptance of NEA affiliates too great for union competition to have made any difference. Effective competition developed at only one two-year college where the AFT won, and at one state college at which an AFT local forced a run-off which it subsequently lost. At none of the fifteen two-year colleges or eight state colleges can it be concluded that competition between candidates for bargaining agent produced a bargaining relationship because the faculty voted for the least threatening alternative rather than "no union."

At other public four-year institutions, primarily Rutgers and NJIT, union competition in conjunction with organizational dependencies (i.e., all part of same system) produced bargaining relationships even though competing organizations were not directly involved. The perceived threat of the AFT or NEA helped produce defensive moves toward bargaining at these two institutions, even though the AFT and NEA had little chance to win at these particular institutions and did not compete. However, if Rutgers and NJIT had been incorporated into a system-wide bargaining unit, the bargaining agent might have been the NEA affiliate. Thus, senior faculty leadership at Rutgers University in the AAUP and at NJIT in the Faculty Council (a faculty senate) were concerned about the external threat to their roles and moved--at Rutgers University with administrative blessing and at NJIT without administrative opposition--to protect and formalize those roles. Faculty acceptance of the historical functions of the AAUP at Rutgers and the Faculty Council at NJIT created little tension or faculty opposition to unionism because these functions represented prior faculty adaptations to the decision-making structure at their particular institutions.

At Fairleigh Dickinson University union competition was a more direct, and very important, determinant of the timing of the unionization of that campus. The eventually victorious AAUP did not initiate recognition activities, but responded to AFT pressures for bargaining and became the bargaining agent only after narrowly defeating the AFT in a run-off election. The competition was not a basic cause of unionization, but it did serve to speed up the process. At the other three private institutions, (Rider, Bloomfield, and Monmouth colleges) union competition was not a factor, directly or indirectly. The unionization of those colleges was predominantly a response to administrative actions.

In sum, the New Jersey experience suggests that union competition will more likely produce a bargaining agent where none would otherwise have developed (1) when the other forces for unionization are not strong (e.g., antiadministration sentiment is not strong), or (2) when system relationships produce defensive unionism (NJIT and Rutgers). The two-tiered voting system adopted or recommended for adoption by some states (first vote "yes" or "no" for bargaining, then for a specific union if "yes") may prevent unionization from developing in the first instance, but such a system is unlikely to prevent unionism where the other forces creating faculty dissatisfaction and support for bargaining are very strong. To the extent that the pioneer institutions in collective bargaining represent the ones in which the other forces for bargaining are most strong, then the two-tiered system would be expected to be more applicable to later attempts to unionize faculty where the "band wagon" effect generated out of perceptions of bargaining experiences at other institutions might be stronger, the other basic causes perhaps weaker.

Generally speaking, while the competition between the AAUP, AFT, and NEA has been identified as creating bargaining relationships at some colleges and universities where none might otherwise have developed, the faculty bargaining movement, when compared to the school teacher bargaining movement, has not been marked with substantial competition. To date the AAUP has not responded strongly at the national level to the AFT or NEA competition; this less aggressive stance by the national organization, most acceptable to large numbers of faculty, might account in part for the slower rate of unionization of faculty, particularly in private institutions where the educational missions have not brought the faculty into frequent contact with the AFT or NEA.

Organizational Characteristics

Studies of the causes of faculty bargaining at particular institutions or systems of higher education indicate that faculty dissatisfaction with a wide range of working conditions does distinguish among faculty who support collective bargaining.[16] However, the specific issues about which faculty who support collective bargaining are dissatisfied vary from institution to institution. This finding from the literature, coupled with statistics on the extent and pattern of faculty unionization, lends support to a conclusion that it is not absolute differences in working conditions among institutions which primarily explain variations in the pattern of unionization. These differences between types of institutions have always existed (for example, salaries have usually been higher and governance usually more extensive at four-year colleges). Rather, it appears that changes in higher education which have affected various types of institutions differentially play an important part in explaining the pattern of faculty unionization. The nature of these changes is discussed below.

Organizational Change

As Garbarino points out, the growth of state systems of higher education over the past decade has been rapid.[17] The growth in size of public higher education has been accompanied by structural changes which have added layers of authority external to individual institutions in the form of statewide governing boards. External governing bodies have operated to reduce faculty influence and this probably accounts in part for the rapid organization of statewide systems (almost 50 percent by 1976) where unionization is not blocked by the absence of legislation (e.g., California and Wisconsin). The findings of Lozier and Mortimer[18] for the Pennsylvania state colleges and Feuille and Blandin[19] for the University of Oregon confirm that faculty insecurity about the influence of external authorities is related to support of faculty bargaining.

Concomitant with the rapid growth in public higher education has been the change experienced by single-campus four-year institutions which were formerly considered teachers' colleges. The transformation of the educational mission of teachers' colleges into institutions with a broader curriculum created tension because established structures and relationships were upset. Faculty hired under the old mission have been threatened with obsolescence under the new. In the terminology of Kuhn, their original "major bargain" with the organization, which set out their expectations about their relationship with the organization, has been altered unilaterally.[20] This creates the situation in which one is likely to find senior faculty, in this instance the education faculty, strongly supportive of the collective bargaining movement.

To accommodate the increased demand for higher education during the 1960s, new colleges, especially two-year colleges, were started. "Many community colleges were formed virtually overnight, and the faculties were gathered rather suddenly from many quarters. For better or worse the organizational structures and the mutual accommodation of diverse faculty members have not had the usual mellowing of years."[21] Thus, in community colleges and other relatively new institutions, the absence of stabilized collegial decision-making relationships, traditions, and structures can be a source of faculty dissatisfaction, creating pressures for bargaining.

Rapid growth and changes in mission and structure underlie much of the faculty dissatisfaction which created the movement toward collective bargaining in New Jersey. To accommodate a larger number of its college-bound high school graduates, a major commitment was made in the 1960s to expand enrollments and curricula offerings. To accomplish these goals, existing institutions were expanded, two new state colleges and sixteen two-year colleges were opened, and the medical school was reorganized. The change in mission and the rapid growth of the state colleges also produced a young, different faculty, and pressure for increased faculty participation at the local level through the creation of senates had already begun prior to the 1966 reorganization and the passage of the 1968 collective bargaining legislation. And, to coordinate the growing public higher education system, higher education was separated from the public school establishment in 1966 by the creation of a Board and Department of Higher Education.

The reorganization was felt most noticeably in the state colleges where the severance of the state colleges from the public school establishment upset traditional relationships, including the ability of the Association of New Jersey State College Faculty (ANJSCF) to relate to state educational authorities to solve faculty salary problems. In addition, the commissioner of education and the state college presidents whom he appointed strongly opposed the change. When the new, outspoken, change-oriented chancellor arrived on the scene making statements which were perceived as threatening to the faculty--for example, his call for a change in the tenure system--the reaction of the state college faculty was almost immediate upon passage of bargaining legislation.

The impending unionization of the state colleges created vibrations throughout the public system which soon led to the organization of Rutgers University and NJIT, and subsequently CMDNJ. Even though not included in a system-wide bargaining unit like SUNY and CUNY, Rutgers and NJIT organized defensively in large measure because of organizational dependencies created by the statewide system. In other states where the major public universities are more independent of a statewide authority, these institutions have not yet organized or have voted "no union," e.g., Michigan, Pennsylvania (except Temple), and Massachusetts.

Thus, the New Jersey findings confirm opinion surveys that indicate that there is substantial faculty suspicion of external layers of control which is contributing to the development of collective bargaining. Further, confirmation of this position is indicated by a survey of faculty attitudes administered to faculty in New Jersey in October 1973. Faculty were asked to express their degree of satisfaction on seventeen items. Faculty at all public four-year institutions in New Jersey were most dissatisfied with the item concerning the operation of the State Department of Higher Eudcation in relation to their institution.

In sum, the rapid change in New Jersey higher education, including the 1966 reorganization, and the passage of bargaining legislation in 1968 were major factors in explaining the timing of the move toward faculty bargaining in the public institutions. The reorganization and the actual or perceived changes it wrought provided much of the motivation for faculty action, while the legislation provided access to the collective bargaining process.

Leadership Style

Another factor affecting disposition of faculty to unionize is the faculty's perception of the leadership style of the administration. Sawicki, for example, found that the University of Delaware faculty organized because of the perceived autocratic leadership style of the administration.[22] This factor seems particularly important in newly founded institutions, or in any institution undergoing substantial change. In the case of new institutions, administrative teams often work together one to three years prior to the opening of new colleges. Thus, administrative decision-making procedures are well established prior to the entrance of faculty. In addition, administrators are pressed to respond quickly to information requests and procedures of the statewide coordinating boards. For these reasons the administrative decision-making style in new colleges or in systems where there are newly created external coordinating authorities are often perceived by faculty as autocratic and unilateral.

occurred at the two-year colleges and emerged as a major causative factor in the selection of collective bargaining by the faculties.

At the four-year public institutions, there was substantial evidence of faculty dissatisfaction with authority at the institutional and state level. This dissatisfaction led to the movement of the faculty toward increased representation at the state level about ten years prior to the reorganization of higher education in 1966. At the state colleges the College Salary Committee under NJEA leadership was initiated in the late 1950s to deal with faculty working conditions on the state level. And the changing size and mission of the former teachers' colleges were producing a move toward college senates by 1968. At Rutgers University the AAUP represented faculty interests at both the state and university level and had successfully pressed for a reorganization of the senate. At NJIT, the faculty had successfully pressed for the Faculty Council (senate) in 1966 to counteract what was perceived to be the undemocratic behavior of the local administration. At CMDNJ, the Faculty Organization (senate) was initiated a few years before collective bargaining for the same reasons. Faculty with grievances against the local administration had also started a local AAUP chapter at CMDNJ at about the same time.

The key conclusion of the New Jersey experience is the evolutionary nature of the unionization of the faculty. As discussed above, there is evidence of substantial faculty dissatisfaction with authority at the institutional and state level going back several years. So in New Jersey's public four-year institutions, faculty adaptation to perceived internal and external authority problems had preceded the movement toward collective bargaining, and except for CMDNJ these activities had preceded the passage of the bargaining law and the reorganization of higher education. For the most part it was the leadership of these prior bargaining activities which provided the transition--new leadership had not surfaced to unionize the faculty. The leadership had previously responded to state or local problems, particularly the centralized nature of many higher education decisions, by conducting informal negotiations with state officials or lobbying activities with the legislature. The reorganization of higher education in 1966 was simply another step, although a major one, in the strengthening of state authority over higher education which threatened faculty influence.

Faculty animosity was focused on local administrators among New Jersey's private four-year institutions because of their simpler, more stable, structure. However, the experience of New Jersey's four private institutions now unionized (four-year only) indicate that change, and the response of the administration to the forces for change, occasioned the move of faculty to collective bargaining. At the private colleges which were unionized, administrative actions taken to respond to market forces and to upgrade quality were perceived by the faculty as autocratically handled. Herein may lie one of the major differences between private and public institutions. At all four private institutions, animosity against the local administration was a *necessary condition* to unionization, whereas in the public institutions it was not, particularly in the public institutions which were defensively organized.

Administrative Response to Faculty Bargaining

The administrative response to the prospect of faculty collective bargaining also influences whether faculty do in fact adopt collective bargaining. Bain indicates that the degree to which employers are willing to recognize unions is an important explanatory factor in producing white-collar unionism.[23] The fuzzy boundary between management and professional employees is felt to make professionals particularly sensitive to management attitudes in respect to collective bargaining. The absence of collective bargaining legislation is certain to reinforce the negative effect which management opposition to bargaining will have on the incidence of professional unionism. A study by Mortimer and his colleagues of thirty-two situations in which the faculty rejected collective bargaining in an election indicated that organized administrative opposition was a common element in most instances.[24] However, as indicated by the authors, "in this study we do not speak to the point of whether there have been unsuccessful campaigns to defeat collective bargaining."[25]

In the New Jersey public system of higher education administration opposition took the form of an unsuccessful attempt by the Department of Higher Education and the governor to exclude higher education from the bargaining legislation. Only the administration of CMDNJ made any attempt to oppose faculty bargaining during the organization campaign and it was not an extensive, highly organized campaign. Only in one private institution, Monmouth College, did the administration make any significant effort to delay or defeat the union movement, but this was unsuccessful. No New Jersey institution, public or private, developed the sort of campaign which was felt to be responsible for the defeat of unionization at such institutions as Michigan State University, the University of Massachusetts, Syracuse, and New York University.

Most defeats of faculty unions nationally have occurred in large state universities, where there are no system relationships, or in private colleges. There is some possibility that if Rutgers University or NJIT, for example, were constitutionally autonomous like Michigan State, it might not have been so easy to organize the faculty. The limited scope of collective bargaining which subsequently developed at these two institutions supports this contention.

As indicated by the New Jersey data, administrators might sometimes support collective bargaining. At Rutgers University and NJIT, system relationships led the administrations to be passively supportive of efforts to organize the faculty, in part to head off the prospects of a system-wide bargaining unit.

While the above evidence tends to indicate that systematic administrative opposition can be effective in heading off unionism, it is doubtful that an administrative effort to defeat a union would be effective in a context where there are strong anti-administration feelings. Such efforts in fact might serve to further polarize faculty-administration relationships as they did at Delaware.[26]

The success of administrative opposition seems to be related in a major way to the extent to which administrative action can foster active opposition among senior faculty, that is, to the extent to which a subtle or not so subtle administration-senior faculty coalition develops. Thus, the role of senior faculty in a recognition campaign emerges as a crucial one. Where, as noted previously, the senior faculty leadership supports bargaining, administrative campaigns are likely doomed.

In New Jersey little organized, anti-union sentiment developed among faculty. Unionism has not to date been rejected by any faculty from a public or private institution in New Jersey. In fact, the choice between a bargaining agent and no agent has never been close. There are various reasons for this result. First, there was little administrative opposition to encourage similar faculty activities, sometimes because the administrations had their own reasons for not opposing bargaining. Second, in the institutions in which the faculty might be expected to reject unionism, e.g., Rutgers and NJIT, the faculty were motivated to organize defensively due to system relationships and/or union competition. Established faculty leadership was most active in protecting established relationships at these institutions. Third, in many institutions the faculty were motivated to unionize because of strong dissatisfaction, e.g., state colleges, CMDNJ, and private colleges. The senior faculty led the unionization efforts at these institutions as well. Fourth, faculty opposition was eased by the presence of accepted faculty organizations which had been serving their interests and by the role established faculty leaders played in them.*

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*It should be noted that prior to collective bargaining leaders of these organizations had often assumed administrative positions. One state college president formerly headed the NJEA College Salary Committee. Many administrators at all levels at Rutgers were formerly active in the AAUP, including the current senior vice president of academic affairs and the associate vice president of academic affairs who were both former presidents of the AAUP.

The high rate of faculty rejection of unions in private institutions nationally no doubt reflects the absence of most of these factors in the private context.

Prior Relationships with Potential Agents

As noted by Ladd and Lipset, the choice of an external bargaining agent is likely a function of the level of faculty militancy and the faculty's perception of the extent to which a particular organization, AFT, AAUP, NEA, or an independent union, will fulfill their particular needs.[27] But the faculty's perception of a particular agent is gained not only through knowledge of bargaining experiences in other institutions as discussed above, but also through previous associations with potential bargaining agents within particular institutions. The initial domination of the NEA and AFT in two-year colleges and in former teacher training institutions and the AAUP in private institutions is likely a reflection of the effect of prior association. This conclusion is supported by the findings of Lozier and Mortimer that supporters of the NEA affiliate in the Pennsylvania state colleges "...had served longer at institutions which reflected an emphasis upon elementary or secondary education."[28]

The nature of the historical relationship between the faculty and a faculty organization which became the candidate for bargaining agent at a particular institution was another major contributor to the early organization of New Jersey institutions of higher education. At Rutgers University, the AAUP, and at the state colleges, an NJEA affiliate, had informally represented the faculty interests for years at the state and at the institutional level as discussed above. This function had derived from the centralized locus of decision making at the state level in New Jersey higher education, in the state colleges on most issues, and at Rutgers on economic issues. At NJIT, the leadership of the Faculty Council, whose existence was the product of local antiadministration sentiment, defensively produced an independent agent. Senior faculty were responsible in these institutions as well.

Thus, the onset of collective bargaining at the public institutions in New Jersey represented an evolutionary formalization of prior relationships and not the intervention of external unions. The existence of these prior relationships, and faculty acceptance of the functions performed by the organizations, eased considerably the transition into unionism by reducing faculty uncertainty about the "unprofessionalism" of adopting collective bargaining techniques. In other words, the faculty had not been conditioned as much by knowledge of successful bargaining experiences elsewhere as by the successful representational functions performed in the past by specific faculty organizations in specific institutions. The fact that these organizations were headed by respected senior faculty was also important.

Prior faculty identification with active faculty organizations was also important at the private institutions. At Monmouth College the existence of faculty (one individual in particular) with NJEA connections gave that organization an advantage. The AAUP was not strong at that institution because it had been suppressed by the past administrations' negative view of faculty AAUP activity. Thus, a new organization was required. At Rider College and Bloomfield College the AAUP had been particularly active in protesting administration actions prior to unionization. At Rider the AAUP and the senate had worked together and overlapping leadership of the two organizations was common. The distinctive aspect of the Bloomfield situation is that it was the only instance in New Jersey in which it can be said that the intervention of a national or state organization had any significant impact on the unionization of the faculty. Thus, the success of the AAUP in the private colleges also reflects prior associations with existing organizations through which senior faculty led the faculty into collective bargaining.

Similar forces were present at the City University of New York (CUNY) where the long-standing Legislative Conference which had lobbied for faculty interests for over thirty years, and at the State University of New York (SUNY) where the senate-initiated organization--the Senate Professional Association--eased faculty acceptance of the bargaining process. The independent agents at CUNY and SUNY subsequently merged with national faculty organizations, a coalition of AFT and NEA. Often the public four-year institutions which might be expected to select the AAUP as a bargaining agent, such as some units of the University of Hawaii and SUNY, are prevented from doing so by structural factors, that is, the bargaining units contain a larger number of faculty from other kinds of institutions and occupations (nonteaching professionals) who are more likely to identify with other organizations.

Unlike CUNY and then SUNY, the independent agent at NJIT has not merged with another faculty organization, although an attempt has been made. The smaller size of NJIT in comparison to SUNY reduces the economic pressures on an independent agent. The economic pressures have been further reduced by the membership of NJIT in a coalition with the AAUP units at CMDNJ and Rutgers University in which legal and other administrative costs are shared.

Institutional Quality

Institutional quality is also associated with variations in the pattern of faculty bargaining. Analyzing a national Carnegie Commission opinion survey, Ladd and Lipset found that "Faculty employed in the lower tier of academe--in terms of scholarly prestige...are much more likely to favor organized collective action."[29] Aussieker and Garbarino, in studying patterns of faculty organization, concluded that their analysis "...illustrates the correctness of the common assumption that unionism has been concentrated in relatively low-quality institutions."[30] In sum, they found that no high-quality universities and only a few medium-quality universities or high- or medium-quality four-year colleges were organized. Almost 90 percent of the organized institutions were low-quality four-year universities or colleges (the two-year colleges were not differentiated by quality).

As Garbarino and Aussieker admitted, not only is the concept of quality difficult to measure, but other organizational and environmental characteristics are likely to be more important. Indeed, quality is likely to be a proxy for combinations of other variables. Gold, in fact, disagreed with their conclusions and felt that type of control (public/private) and legislation were more important than quality.[31] She illustrated that there were no large differences in the proportion of institutions organized at each quality level, indeed, she found that a higher proportion of high-quality, four-year colleges had unionized.[32] But she ignored system linkages which accounted for the reason that many of the medium-quality universities and high- and medium-colleges were unionized. The SUNY and CUNY institutions in these categories were unionized because they were included in system-wide bargaining units and there is some chance the faculty might not have initiated bargaining at these institutions as rapidly or at all if they had not been included in global bargaining units.

In New Jersey the same system-wide linkages produced defensive moves on the part of Rutgers and NJIT. While the better institutions in New Jersey were not in a common unit with the other public institutions as at SUNY, CUNY and Hawaii, the forces created by being a member of a statewide system with assertive central leadership were sufficient. In any state where the dependencies are equally strong, or where the better institutions are included in a global bargaining unit, quality considerations are not likely to be determinative in explaining the pattern of unionization in public institutions. In private institutions, however, the quality variable is likely to be a better predictor of unionization.

Faculty Characteristics

The literature supports in part the expectation that faculty demographic characteristics and values growing out of training and experience can affect both job satisfaction and perceptions and motivations about collective bargaining. When individual characteristics of faculty are aggregated to the organizational level, differences in these factors among organizations may also account for varying organizational reactions to collective bargaining.

The *younger*, the *lower-ranked*, the *nontenured* faculty, *in short, the lower, less powerful class* of higher education, were more supportive of faculty bargaining in all studies of faculty attitudes and behavior reviewed in which these dimensions were measured.[33]

Class origins might also be expected to affect *faculty views* toward bargaining. Ladd and Lipset found otherwise.

> Professors at two-year colleges are more heavily children of blue-collar workers (29 percent) than faculty at universities (19 percent), but this has little to do with the former's greater receptivity to unionism. This is so because there is no correlation whatsoever between their class backgrounds and the orientations of academic men and women to collective bargaining and strikes, or indeed to any national or campus political controversies.[34]

Religious background has been found to predict *faculty attitudes* toward unions. Moore found that nonprotestants were more militant supporters of unions.[35] Ladd and Lipsett found that Jews were more likely than Catholics to support faculty bargaining. In turn, Catholics were more supportive of bargaining than Protestants.[36]

Two studies found *males* to be more supportive of bargaining than *females*.[37] Feuille and Blandin[38] found no link, while *Haehn*[39] found a weak link.

The studies of faculty attitudes toward bargaining confirm earlier evidence that *academic discipline* is related to faculty attitudes *and behavior*. Generally, the support by discipline in descending order was the social sciences, the humanities, the natural sciences, business, and engineering.[40] Feuille and Blandin[41] found no relationship, and Corwin[42] suggested that the militancy of a discipline may be less closely associated with its professional orientation per se than with its level of prestige within a particular organization; the inconsistency between a department's prestige and its autonomy from the administration may be highly correlated with militancy.

Faculty job satisfaction and its relationship to collective bargaining is also likely related to the faculty's understanding of themselves as professionals. In fact, studies by Moore[43] and by Seidman, Edge, and Kelly[44] indicate that faculty with advanced degrees are less likely to support unionism. However, a faculty's professional expectations and performance may be self-selecting characteristics of particular kinds of institutions as these organizations go about selecting and rewarding faculty according to their particular rules, procedures, and goals. For example, universities which emphasize graduate study employ a larger percentage of faculty with doctorates than those which do not. This could mean that it would require a higher level of dissatisfaction for them to overcome educationally acquired concepts of professionalism which may not include unionism.

As another example, Ladd and Lipset found that faculty receiving recent research support were less supportive of unionism.[45] But the faculty who received research support were more likely to come from elite institutions where such behavior is expected. So not only are professional expectations inbred in particular kinds of institutions (faculty in elite institutions have greater governance expectations), but professional behavior is also a product of the job requirements of different kinds of organizations (more teaching and less research at lower tiered institutions). Ladd and Lipset illustrate this effect by pointing out that while faculty in elite institutions have greater self-governance, they still are more pessimistic about their ability to influence policy.[46] But differences in faculty characteristics across different types of institutions have been long-standing and heretofore have not created pressure for bargaining. So the relationship of professionalism and bargaining may not be whether the faculty in one institution is more or less professional than another, but whether their professional expectations ("academic values") about their working conditions ("objective interests") are being fulfilled or protected within a particular organizational context. Smelser's argument while coming from a different perspective also supports this assertion.[47]

> Traditionally the calling [the academic profession with its emphasis on cognitive rationality as developed in *The American University*[48]] has been more firmly institutionalized in the university complex, whereas the bureaucratic complex characterizes the lower ranks of higher education institutions. The unionization of college and junior college teachers has proceeded more rapidly and further than that of university faculties, largely because unionization is a response to bureaucratic discipline and control. Moreover, the recent move toward unionization of university faculties is associated with the threatened breakdown of the pattern of the calling, tenure and academic freedom and with the increased tendency to control by bureaucratic rule.

A familiarity with unions prior to joining college and university staffs has also been found to be positively related to support of bargaining.[49] Past experience with union activities would be likely to reduce barriers to unionism unless the experiences were unsatisfactory. In two-year institutions in both Michigan and New York, many faculty had previous experience with unions as public school teachers.[50] In his study of two-year colleges, Moore found that faculty with previous teaching experience in high schools were more supportive of bargaining.[51] Additionally, the location of an institution in a more highly unionized environment or the socialization of a number of the faculty of an institution in such an environment (even though they might have no direct union experience) would be expected to ease the transition to unionism by faculty. A Youngstown State University administrator felt that the location of the institution in a labor-oriented community was one of the factors facilitating the unionization of that institution.[52] Carr and Van Eyck felt that CUNY's proximity to the militant public school experiences in New York City was pertinent.[53] The most conclusive evidence of the impact of the external union environment is the fact that most faculty bargaining has been initiated in states where national union membership is concentrated.[54] As noted in an above discussion of legislation, these are also, not surprisingly, the states in which the political environment has been most hospitable to the passage of public sector legislation.

Faculty with *liberal political* leanings were also likely to show more favorable attitudes in respect to collective bargaining.[55] But, Ladd and Lipset also found that the most liberal faculty were the most critical of governance matters and were from elite institutions. They concluded:

> Professors at upper-tier schools, and highly achieving academics in general, are significantly cross-pressured with regard to faculty unionism: Their liberalism would incline them to support it; but their objective interests and the general structure of their academic values bring them into opposition. And, as we have seen, *the latter considerations typically prove decisive*. /underlining is theirs/[56]

However, other findings point to a different conclusion: the nature of the recognition campaign and organizational characteristics (the faculty's "objective interests") which produce sufficient job dissatisfaction can prove decisive in eliminating the cross-pressures noted above. As noted previously, Seidman, Edge, and Kelly were unable to predict faculty voting behavior with a pre-election attitude survey probably because of the effect of union competition.[57] Lozier and Mortimer found that in the context of an election factors such as age, tenure status, and experience give way to "...the academic atmosphere of the institution, its history and traditions, and the nature of ties between the institution and its faculty."[58] The following discussion of the New Jersey findings also illustrates the way in which organizational characteristics can override the impact of faculty characteristics in producing unionism.

The New Jersey study of faculty collective bargaining did not entail a survey of all faculty characteristics and attitudes about collective bargaining prior to or simultaneous with the election of bargaining agents. However, there is other evidence that differences in faculty characteristics were overridden by organizational factors in explaining unionization, although one factor, faculty familiarity with unions prior to joining college staffs, did affect the sequence in which the institutions were unionized.

The complete unionization of the public system indicates that organization characteristics were more important in producing unionism. In every instance in New Jersey, the faculty in public and private institutions were led into collective bargaining by established faculty leadership, in other words, by senior, tenured, respected faculty. And at Rutgers University, NJIT, and CMDNJ, contrary to what might be expected, the leadership was dominated by natural scientists. NJIT was primarily an engineering institution with a high proportion of technical faculty. CMDNJ provides both medical and dental education, as its name indicates. The fact that most of the leadership was male resulted more from the low percentage of females in faculty populations than from inbred differences in male/female militancy.

The one value variable found to be important in the unionization of the New Jersey institutions, particularly in terms of timing, was faculty familiarity with unions prior to joining college staffs. For the two-year colleges, the state colleges, and Monmouth College, an important factor in easing the transition into unionism was prior faculty experience with collective bargaining, particularly in public school systems. The relatively new two-year institutions had recruited heavily out of public school systems. Leadership into collective bargaining was often provided by individuals with previous bargaining knowledge or experience; references to New York City and Philadelphia experiences occurred frequently enough at the two-year colleges to warrant a conclusion that many faculty, particularly the leaders, were familiar with those experiences. So the quick, almost automatic acceptance of NJEA affiliates in all but one of the new two-year colleges in New Jersey reflects the traditional acceptance by the faculty, many with public school experiences, of the familiar NEA. In the four-year public institutions in New Jersey, the past activities of potential bargaining agents, as noted above under organizational characteristics, also served to break down any value barriers which faculty might have had in respect to unionism.

In sum, when it comes to translating varying attitudes toward bargaining into behavioral support for bargaining, organizationally-based problems and relationships and the nature of the recognition campaign may override variations in attitudinal support for bargaining created by differences in faculty characteristics. Membership in a highly centralized state system, for example, has produced collective bargaining at institutions which otherwise might not have unionized so rapidly, if at all. As another example, union competition in a recognition campaign leads faculty to vote for what they perceive to be the least worst bargaining agent alternative.

Summary

The integration of the New Jersey findings with the existing empirical literature on the causes of faculty bargaining confirms some common understandings on the determinants of joint bargaining, leads to a de-emphasis on others and offers additional insights on still others.

The New Jersey findings and the national pattern of unionization illustrate the dynamic nature of faculty bargaining by indicating that faculty bargaining started at a core of institutions (the pioneers) and then spread outward along several paths. The pioneer institutions can be described as those for which most of the following factors are relevant:

1. Located in states where earliest bargaining legislation developed. The location of the organized institutions in geographical areas traditionally supportive of unions reflects the importance of legislation in providing

access to collective bargaining. But the impact of the next factor illustrates that other forces are at the base of faculty unionism.

2. Experienced greatest faculty-administration strife due to organizational change and/or leadership style. While faculty-administration strife is not unique to current times, accelerated change in the context of legislation permitting bargaining led to the adoption of bargaining as a means of coping with the changes. Changes in structure and function were more important at an early point in the bargaining movement; external economic pressures have exerted a stronger effect in recent times. Predominant among the first four-year institutions to organize were those experiencing changes in structure and function--the former teachers' colleges. As a body, the private institutions were spared the massive growth and reorganization of public institutions and this likely accounts for the low rate of unionization. But the New Jersey experience indicates that those private institutions which have unionized have likely experienced tension from changes. The key point to be made is that the growth of the faculty bargaining movement and the pattern of unionization across institutions are not totally a function of absolute institutional disparities in faculty participation or benefits, because these differences between types of institutions have always existed. Rather, changes in higher education which have differentially affected various types of institutions are at the base of the pattern of unionization.

3. Had a history of informal faculty bargaining which reflected faculty concern with decision-making authority which predated bargaining movement. This factor is related to the previous one in that the political, economic, and social forces which started to reshape and restructure higher education in the sixties had already initiated a different form of faculty participation in some institutions. So when bargaining laws were passed, established organizations headed by senior faculty

and acceptable to the larger faculty body were in place to ease the transition into unionism. Faculty bargaining was not a revolutionary changing of the guard; it was an evolutionary recognition by established faculty leaders that collective bargaining appeared to be a viable alternative for achieving or protecting faculty rights and benefits under conditions of change.

4. Existence of faculty acceptance of unions deriving from prior relationships. The missions of the teachers' colleges brought them into close contact with the public school establishment and the missions of the two-year colleges led them to hire many former public school teachers. Thus the faculty in the institutions which unionized earliest not only had been subject to a greater degree of organizational change as noted previously but they also had prior relationships to the more extensively unionized public education sector. On the other hand, the presence of the non-militant AAUP at most private institutions, where the missions of the institutions did not provide easy contact with the AFT or NEA, not only has led to the dominance of the AAUP in private institutions but likely has contributed to the lower rate of unionization of private schools. Also important is the fact that private institutions generally have been spared the same degree of organizational change which occurred in public institutions.

From the pioneer institutions bargaining flows out along some or all of the following paths:

1. Passage of further legislation.

2. Organizational relationships dictated by structure. These relationships will tend to override differences between institutions in faculty characteristics. For example, Rutgers University and NJIT were defensively organized as a consequence of membership in a statewide system, even though the bargaining unit was not systemwide. The New York state universities (Buffalo, Stonybrook, Albany, and Binghamton) were organized as part of a statewide bargaining unit. Obviously, private institutions

are not subject to these forces. As a consequence, the quality variable is more operable in explaining variations in collective bargaining in the private sector.

3. Changing social values in respect to unions as favorable faculty perceptions of bargaining experiences at other institutions break down attitudinal barriers to unionism. Growing faculty acceptance of unionism reduces the need for informal pre-bargaining relationships such as the AAUP at Rutgers and the Legislative Conference at CUNY since the adoption of bargaining at other institutions makes unionization a less professional alternative. Changing values toward collective bargaining may also eventually force the national AAUP into greater support for bargaining.

4. Sites of significant faculty-administration stress created by organizational change or leadership style. Changes deriving from economic pressures are now generally more important than when the bargaining movement was initiated.

5. Situations where union competition produces a bargaining agent where the other forces for bargaining are not strong. Union competition often serves to override differences in faculty support for collective bargaining caused by varying demographical and value orientations.

6. Instances in which systematic management or faculty opposition does not emerge. These factors, like union competition, would be more relevant where other forces for bargaining are not strong. Management and faculty opposition were not as operable for the pioneer institutions where organizational strife was more frequently a necessary condition, particularly in four-year institutions.

Institutions of higher education were caught up in the public sector union movement of the 1960s after lobbying for labor legislation had been accomplished by other occupational groups. But as the New Jersey experience indicates, the evolution toward a different type of faculty participation preceded both the passage of bargaining legislation and the more recent economic woes.

The above explanation of the origins of faculty bargaining focuses on organizational change as the basic causative factor. This is not the first historical period in which change has produced an altered authority structure in higher education. In the earlier part of this century, faculty at many institutions adapted to the growing size of academic institutions, the development of the disciplines, and the emergence of full-time administrators by developing internal governance mechanisms. The eventual emergence of academic tenure was essentially another adaptive mechanism easing the interaction between academic professionals and the bureaucratic organizations in which they work.

As academic organizations continued to grow, as administrative structures became increasingly complex and bureaucratic, as administrators began to reflect more of the frame of mind of professional bureaucrats, and as the economic climate worsened, the faculty needed a stronger means of relating to the bureaucratic organizations in which they worked in order to protect or achieve professional status. With the failure of traditional mechanisms to cope with the changes, the process to which many faculty have turned is the one traditionally used in this country to ameliorate employee-employer tension--collective bargaining.

The expectation of those of the academic profession embracing collective bargaining is that by so doing they will be able to effectively resist further reduction in their control of those resources necessary for the continuation of their occupational function.

NOTES

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3. Begin, "Loss of Momentum," p. 79.

4. George S. Bain, "The Growth of White-Collar Unionism and Public Policy in Canada," Relations Industrielle (April 1969), p. 246.

5. Roy J. Adams, "White-Collar Union Growth: The Case of Sweden," Industrial Relations, Vol. 13, No. 2 (May 1974), pp. 164-76.

6. Garbarino, Faculty Bargaining, pp. 57-58, 67.

7. Bain, "White-Collar Unionism in Canada," p. 246.

8. Adams, "White-Collar Union Growth," p. 176.

9. Virginia Lussier, Albion College Votes "No Agent:" A Case Study, (Washington, D.C.: Academic Collective Bargaining Information Service, Special Report No. 7, 1974).

10. Earl Edgar, "Collective Bargaining at Youngstown State University" (paper delivered to Inter-University Council of Ohio State Universities, Spring 1974) (mimeographed).

11. Peter Feuille and James Blandin, "Faculty Job Satisfaction and Bargaining Sentiments: A Case Study," Academy of Management Journal, Vol. 17, No. 4 (1974), p. 682.

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14. Kenneth P. Mortimer and Naomi Ross, Faculty Voting Behavior in the Temple University Collective Bargaining Elections (University Park: Center for the Study of Higher Education, Pennsylvania State University, April 1975), p. 22.

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16. For example, in addition to articles already footnoted see Charles A. Shoup, *A Study of Faculty Collective Bargaining in Michigan Community Colleges* (unpublished Ph.D. dissertation, Michigan State University, 1969); James O. Haehn, *A Survey of Faculty and Administration Attitudes on Collective Bargaining* (a report to the Academic Senate, California State Colleges, May 1970); and Robert Sawicki, *The Unionization of Professors at the University of Delaware*, (Washington, D.C.: Academic Collective Bargaining Information Service, Special Report 13, February 1975), pp. 11-12.

17. Garbarino, *Faculty Bargaining*, p. 7.

18. Lozier and Mortimer, *Election in Pennsylvania's State-Owned Colleges*, p. 73.

19. Feuille and Blandin, "Faculty Job Satisfaction," p. 684.

20. Alfred Kuhn, *The Logic of Social Systems: A Unified, Deductive, System-Based Approach to Social Science* (San Francisco: Jossey-Bass, 1974).

21. Carl J. Jacobs, "Collective Bargaining in Community Colleges," *Faculty Power: Collective Bargaining on Campus*, ed. Terence N. Tice (Ann Arbor: The Institute of Continuing Legal Education, 1972), p. 67.

22. Sawicki, *Unionization of Professors at Delaware*.

23. Bain, "White-Collar Unionism in Canada," p. 246.

24. Mortimer *et al*, "No Representation Victories."

25. *Ibid*, p. 11.

26. Sawicki, *Unionization of Professors at Delaware*, pp. 11-12.

27. Everett Carll Ladd, Jr., and Seymour Martin Lipset, in *The Chronicle of Higher Education* (17 February 1976), p. 13.

28. Lozier and Mortimer, *Election in Pennsylvania's State-Owned Colleges*, p. 25.

29. Everett Carll Ladd, Jr., and Seymour Martin Lipset, *Professors, Unions and American Higher Education* (Berkeley, California: The Carnegie Commission on Higher Education, 1973), p. 16.

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31. Lois Swirsky Gold, "Measuring Faculty Unionism: Quantity and Quality (Criticism and Comment)," *Industrial Relations*, Vol. 13, No. 3 (October 1974), pp. 325-31.

32. *Ibid*, p. 326.

33. For example see Ladd and Lipset, *Professors, Unions*, pp. 25-28.

34. *Ibid*, p. 37.

35. John W. Moore, *Attitudes Toward Collective Negotiations: Pennsylvania Community College Faculty* (University Park, Pennsylvania: Center for Study of Higher Education, 1971), p. 39.

36. Ladd and Lipset, *Professors, Unions*, pp. 37-38.

37. Ronald G. Corwin, *Militant Professionalism* (New York: Meredeth, 1970); Moore, *Attitudes Toward Collective Negotiations*.

38. Feuille and Blandin, "Faculty Job Satisfaction," p. 688.

39. Haehn, *Faculty and Administration Attitudes*.

40. Seidman, *et al*, "Faculty Attitudes and Choice in Hawaii;" Haehn, *Faculty and Administration Attitudes*; Moore, *Attitudes Toward Collective Negotiations*.

41. Feuille and Blandin, "Faculty Job Satisfaction," p. 688.

42. Corwin, Militant Professionalism.

43. Moore, Attitudes Toward Collective Negotiations.

44. Seidman, et al, "Faculty Attitudes and Choice in Hawaii."

45. Ladd and Lipset, Professors, Unions.

46. Ibid, p. 34.

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49. Haehn, Faculty and Administration Attitudes; Moore, Attitudes Toward Collective Negotiations.

50. George W. Angell, Collective Negotiations in Upstate New York Community Colleges 1968-71 (Report Sponsored by the New York State Public Relations Board, June 1971), p. 34.

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52. Edgar, "Collective Bargaining at Youngstown."

53. Robert Carr and Daniel Van Eyck, Collective Bargaining Comes to the Campus (Washington, D.C.: American Council on Education, 1973), p. 62.

54. Government Employee Relations Report No. 585, D-1 - D-19 (Washington, D.C.: Bureau of National Affairs, December 16, 1974).

55. Haehn, Faculty and Administration Attitudes; Moore, Attitudes Towards Collective Negotiations; Ladd and Lipset, Professors, Unions.

56. Ladd and Lipset, Professors, Unions, p. 32.

57. Seidman, et al, "Faculty Attitudes and Choice in Hawaii."

58. Lozier and Mortimer, Election in Pennsylvania's State-Owned Colleges, p. 75.

Part II

THE NEW JERSEY STATE COLLEGES

Background

The six original New Jersey State Colleges (Trenton, Montclair, Paterson, Kean, Glassboro, and Jersey City) started as normal schools, three having been founded as early as 1855.[1] At various times in the 1930s the normal schools became state teachers' colleges and in 1958 all six became state colleges when "teachers" was dropped from their title. In the late fifties the colleges began to broaden their curricula and in the mid-sixties the pace quickened until by the early seventies major shifts in emphasis to liberal arts had taken place. The two new state colleges, Ramapo and Stockton, which opened in 1971, began as multi-purpose institutions.

The opening of these two new colleges was indicative of New Jersey's efforts to expand enrollment opportunities for New Jersey high school graduates. The expansion was directed by the Board of Higher Education and its administrative arm, the Department of Higher Education, which had been established in 1966 to guide the expansion of higher education. By 1974 the number of students in the state colleges had multiplied almost three times in a nine-year span.[2] Currently, there are approximately 3,200 faculty and 78,000 full- and part-time students at the eight institutions.

In November 1968, soon after the public sector bargaining legislation had been passed, the Association of New Jersey State College Faculties (ANJSCF) requested formal recognition of the Board of Higher Education and its administrative arm, the Department of Higher Education, as the exclusive bargaining agent for all the state colleges, claiming that two-thirds of the faculty had signed authorization cards. The department refused voluntary recognition, in part because there were disagreements between the parties over the scope of the bargaining unit. ANJSCF wanted a statewide unit of all six state colleges, no doubt because it felt it could win a statewide election, but also because it perceived the problems were statewide. Unlike its counterpart in New York, the New Jersey Department of Higher Education did not seek a broad-based faculty unit--the department preferred a unit on each state college campus. The department felt that the only other option was a unit encompassing all public four-year institutions, but did not actively pursue this alternative. However, the department planned to be involved in a direct way in negotiations over issues with statewide implications. Both the AFT and AAUP intervened in the election proceedings, the AFT preferring a campus-by-campus unit, the AAUP supporting a unit covering all the state colleges.

The PERC hearing officer recommended acceptance of the department's position, primarily on the premise that the purpose of a recent reorganization of higher education was to decentralize decision making and delegate it to the state colleges by the formation of separate boards of trustees which had not previously existed. However, in his report, the hearing officer suggested: "If an election to determine their [the faculty's] choice or organization indicates identical choices at all colleges, a single unit would be the practical result."[3] PERC adopted the report of the hearing officer and directed the election.

Included in the bargaining unit at each campus are all full-time teaching and research faculty, department chairpersons, non-managerial, administrative staff, librarians, student personnel staff, demonstration teachers, and professional academic support personnel holding faculty rank.

ANJSCF won the election on all six campuses, garnering three-fourths of the total vote as noted on the chart below. Less than 3 percent of the faculty votes were for the "no union" option. The AAUP was disorganized statewide and did poorly on the three campuses on which it competed. It did not run on one campus because the local president was "captured" by the ANJSCF to support its campaign. On another campus the local president could not get local membership support to appear on the ballot, in part because of a fear of of the AFT. At the third campus there was an AAUP leadership vacuum.

The AFT did somewhat better on the two campuses on which it participated. It forced a run-off election at Jersey City and received approximately 30 percent of the vote at Paterson. But the long-standing faculty identification with ANJSCF was too strong. ANJSCF was certified as the bargaining agent in June 1969, and since it had won all elections, it formed a coalition of the six units for bargaining purposes, a coalition with which the Board of Higher Education eventually agreed to negotiate.

The Case of the New Jersey State Colleges

The rapid expansion and change in mission of the state colleges and other effects of the establishment of the Department of Higher Education created a number of tensions in the state college system which underlie the faculty's quick adoption of the collective bargaining mechanism soon after the bargaining legislation was passed in 1968.

Before the Board and Department of Higher Education were established in 1966, the various institutions of higher education in New Jersey had been coordinated by the Department of Education. While Rutgers University and the

	ANJSCF (NEA)	AAUP	AFT	No Union	Other*
Glassboro	199	52	N.A.	7	0
Paterson	173	N.A.	80	2	1
Montclair	165	N.A.	N.A.	8	2
Newark (Kean)	257	N.A.	N.A.	18	1
Trenton	230	49	N.A.	2	2
Jersey City	123	22	114	1	0
Run-off	164	N.A.	127	N.A.	8

*Challenged, void, or blank ballots

Source: Election Certifications, Public Employment Relations Commission.

New Jersey Institute of Technology (NJIT) had been only nominally controlled by the department, decisions in the state colleges were highly centralized in this body. At the state colleges all faculty appointments and promotions were made by the Department of Education. Curriculum decisions were also centralized. There were no traditional governing bodies in operation. All state college presidents were hired by the commissioner; indeed one president indicated he felt more like a dean given his limited authority. The absence of discretion in fiscal matters was a particularly sensitive matter to the individual institutions; not a single course could be introduced without the commissioner's approval.

In addition, in the state colleges, important aspects of the tenure process, such as the probationary period, are statutorily determined. Decisions in respect to salary and other economic benefits were determined beyond local institutions by the Board of Education and by the legislature. Pensions and insurance coverage for example, are statutorily determined. The absence of funded sabbaticals can be entirely accounted for by the refusal of the executive branch or legislature to permit them.

The reorganization of higher education in 1966, which created the Board of Higher Education, attempted to decentralize authority to the individual state colleges by creating separate governing boards for each campus. A major purpose of the reorganization was to free public higher education from the public school establishment, and in the case of the state colleges, to break the tight circular relationship which existed between the teacher training institutions and the public schools in which the goals and missions of the state colleges were felt to be overly controlled by the public school establishment.[4] The severance of the state colleges from the Commissioner of Education, a move strongly opposed by the commissioner, had a major impact on historical relationships as will be noted in more detail below.

Due to the decentralized nature of decisions in the state colleges before the reorganization in 1966, extensive political effort was required to bring about changes desired by the faculty. The faculties adapted historically to this decision-making environment by engaging in their own political activities. The faculty in the state colleges enlisted the aid of the NJEA and initiated the College Salary Committee in the late fifties to lobby for better salaries and fringes. Thus, by the late sixties the NJEA, through its affiliate the Association of New Jersey State College Faculties (ANJSCF), had a substantial history of representing the interests of the state college faculty, and approximately one-third of the faculty were members.

It was out of ANJSCF's role as the "informal" negotiating agent for the faculty that the drive for collective bargaining emerged. One of the basic issues was salary. In 1966 the faculty at Rutgers University, through successful lobbying efforts of AAUP and the Rutgers administration, were afforded substantial salary increases when the legislature permitted the transfer of capital construction funds to salary accounts. The New Jersey Institute of Technology was later given the benefit of similar legislation. But legislation which would have allowed the state colleges to do the same was permitted to die in committee. The inability of ANJSCF in informal negotiations with the new Board and Department of Higher Education over the next two years to reverse this salary situation was a major precipitating force for bargaining in the leadership of ANJSCF.

In November 1967 ANJSCF imposed sanctions on the new (September 1967) Board of Higher Education because the board had not been responsive to ANJSCF's efforts to re-establish legal salary parity with Rutgers and the New Jersey Institute of Technology. In May 1968 the board did adopt the NJEA's proposed salary guide, but the legislature did not fully fund the guide.

The formation of the new statewide coordinating authority no doubt disrupted traditional ANJSCF relationships with the state. One source indicated that the initial adversary relationship between ANJSCF and the new board and the board's reluctance to bargain infomally with ANJSCF on the salary matter was a function of the joint ANJSCF/NJEA early opposition to the legislation setting up the new board.[5] However, in 1968 the Faculty Personnel Policies Guide for all state colleges was developed by a board subcommittee with input from ANJSCF, AAUP, and AFT, although ANJSCF had the major effect because it was more persistent. The final version was derived from a model guide submitted by ANJSCF. So while there was substantial evidence to indicate that the new board was reluctant to deal with ANJSCF, there was not a complete ignoring of the traditional representational role of ANJSCF.

The key point is that ANJSCF, through informal negotiations with the new board, was unable to achieve the elimination of what it thought was the discriminatory salary treatment of state college faculty. But given the reactions of the legislature to state college salary improvements both before and after the new board was established, despite NJEA lobbying power, there is some reason to believe that the state college faculty might not have feared any better or worse under the previous organizational arrangements.

In any event, the frustration deriving from the inability of ANJSCF to resolve the salary issue was of major importance in developing support for collective bargaining. The continuing attempts of ANJSCF in the first set of negotiations to achieve salary parity tend to confirm this belief. The matter was not put to rest until a statewide job evaluation conducted by an independent organization confirmed the differential salary treatment of the different types of institutions.

The inability of the ANJSCF to represent faculty salary interests effectively through informal negotiations between 1966 and 1968 contributed to its decision to seek stronger decision-making mechanisms by developing close relationships with the NJEA and by strongly supporting the passage of public sector bargaining legislation. In fact, despite efforts of the new chancellor of higher education to have higher education excluded from the legislation (one of the reasons Governor Richard Hughes conditionally vetoed the bill was to exclude higher education, at the chancellor's urging), NJEA lobbying forces were of major importance in convincing the legislature to override the governor's veto.

Given this history, it is not surprising that the *first* unit determination decision issued by the Public Employment Relations Commission under the new law (1968) dealt with the state colleges.

Immediately upon passage of the public sector legislation, ANJSCF organized a campaign for certification as the state college bargaining agent. Starting in September 1968 authorization cards were circulated. The nature of the campaign tends to confirm the statewide focus of the problems. The signature drive was not accompanied by a major promotional campaign in terms of special mailings. Most of the literature which was distributed was low key and dealt in a major way with substantive issues; faculty were asked to select ANJSCF as the representative for negotiating salaries and working conditions on the basis of its past history of representing the faculty on these matters through informal negotiations and lobbying activities at the state level.[6]

After the failure to exclude higher education from bargaining legislation, there was no systematic, formal opposition from higher education administrators to the move towards collective bargaining.

While the major impetus towards bargaining was focused on the state level, this is not to say, however, that faculty perceptions were not affected in an important way by local problems. To the contrary, there is evidence to indicate that the change in mission of state colleges was producing a body of faculty more sensitive to faculty participation in decision making. In the past large numbers of state college faculty had come from the public school system. Perhaps as a consequence, the faculty during the teachers' college phase were apparently not averse to an autocratic administrative style reflective of their experiences in public education. Faculty peer judgement in appointment and promotion was spotty and, while faculty did participate on some institutional and statewide committees and while there were meetings of the entire faculty at individual campuses, there were no systematic procedures for faculty participation on any of the campuses or on a statewide basis.

A faculty council began operation in 1965-1966 at Montclair State College and a Newark State (Kean) College Faculty Senate was in the planning stages during the same year and started operating the following year. Faculty senates at the other four campuses started operations in 1968-69.[7]

While the formation of the senates occurred about the time higher education was reorganized in 1966, and the new chancellor was reported to have encouraged their formation, the movement towards the faculty governance mechanisms predated the reorganization of higher education and was more likely a function of the change in mission of the state colleges and the kinds and numbers of faculty recruited to fulfill this new mission. As an indication of the change, at one time NJEA counted the vast majority of state college faculty as members, according to various sources in the state. This high level of membership was a consequence of the hiring as faculty of public school teachers who automatically continued membership in the NJEA. However, as the nature of the mission of the state colleges changed and as the size of the faculties grew in response to growing student enrollments (as noted above, enrollment grew three times in nine years), the level of NJEA membership became diluted as many new faculty, unrelated to the elementary and secondary educational establishment, did not automatically join.

In any event, the growth in size of faculty and student bodies, the change in the type of faculty hired, and the replacement of old-line administrators created pressure on the essentially autocratic administrative systems of the state colleges. Input on a personal, informal basis by individual faculty members or by ANJSCF was in the process of being replaced by more systematic traditional governance mechanisms when a less traditional form of faculty governance--collective bargaining--interceded.

Another reason that local governance had not developed at an earlier date was the centralized nature of decision making by the commissioner of education described earlier. As mentioned at that point, the development of a statewide ANJSCF role was essentially an adaptation to that organizational framework. The disruption of this role by the new Board and Department of Higher Education, and the increasing pressure at the local level for increased faculty participation underlie faculty acceptance of collective bargaining. The decentralization of authority intended by the 1966 reorganization through the development of individual boards of trustees for each college was not timely.

An additional impact of the reorganization on faculty perceptions of collective bargaining which appeared frequently in interviews were statements by the new chancellor, Ralph Dungan, some of which were before he assumed office, concerning the quality of the faculty and certain faculty personnel policies. It was reported that he commented on the low percentage of faculty in the state colleges with terminal degrees and the effect this had on their ability to be college faculty. He reportedly also indicated that he felt the Ed.D degree was inappropriate for a liberal arts faculty. His statement concerning his desires to lengthen the three-year tenure probationary period apparently also created tension among the large numbers of new, untenured faculty. It is difficult to assess the impact of these statements since it is not known how many faculty were aware of them. But reactions to the statements appeared frequently enough in interviews to indicate that they had an impact in shaping many faculty perceptions.

Several faculty members indicated that these actions of the chancellor simply reinforced the opposition to the new chancellor which the president of their institution took particular pains to build up among faculty before the chancellor assumed office. It would not be surprising if this were a more general occurrence since the Commissioner of Education from whose jurisdiction the six state colleges had been removed had strongly opposed the reorganization. He had also appointed the state college presidents. Within a short period of time five of six presidents retired or resigned, some were replaced by presidents who did not come from the primary and secondary education stream. So the opposition of the state college administration to the reorganization is likely to have conditioned the type of response the chancellor received upon his arrival.

In summary, in the sixties the New Jersey state colleges were affected by a significant degree of tension brought about by organizational change of three, interrelated types. First, major progress was made in the transition from teachers' training institutions to liberal art colleges, a move which started in the late fifties. Second, the faculties and student bodies of the state colleges had grown rapidly over the previous decade. Third, a major reorganization of higher education took place in 1966 which severed the state colleges from their long-standing, close relationship with the public education establishment.

The change in mission and rapid growth produced a different kind of faculty and created pressures for greater faculty participation at the local institutions where none had effectively existed. The emergence of faculty senates in the years 1966-69 is indicative of this pressure. However, the bargaining movement in the state colleges did not generate so much from local problems as it did from problems at the state level. The emergence of bargaining in a period of rapid enrollment and faculty growth also indicates that it was not caused by depression forces. These pressures did not touch the state colleges until a few years later.

The reorganization of higher education in 1966 disrupted traditional relationships, particularly in the state colleges. Over the years the ANJSCF (NJEA), in response to a highly centralized decision-making framework in the state colleges focused in the commissioner of education, had evolved into an informal negotiating agent for the faculty at the state colleges. While ANJSCF would likely have supported the passage of bargaining legislation in any event, its perceived inability to relate effectively to the new higher education structure reinforced its desire to push for bargaining legislation. Statements made by the new chancellor which were perceived by the faculty as threatening helped produce faculty support for unionization. The fact that some faculty had been negatively conditioned against the chancellor by administrators opposing the reorganization was also a factor in explaining faculty reactions to the chancellor.

The reorganization of higher education in 1966, the passage of bargaining legislation in 1968, and the ready availability of a faculty organization, ANJSCF, which had served faculty members over the years and was familiar to them, produced the first unit determination decision under the new public employee bargaining law and one of the first four-year institutions in this country to organize.

NOTES

1. Information on history was obtained from individual college catalogues.

2. Department of Higher Education, "Enrollment Trends in New Jersey Colleges and Universities: 1965-1974," (Trenton, N.J.: Department of Higher Education, 1975).

3. P.E.R.C. No. 1, In the Matter of the State Colleges of New Jersey, April 9, 1969.

4. For example, see Richard Carl Leone, "The Politics of Gubernatorial Leadership: Tax and Education Reform in New Jersey" (unpublished Ph.D. dissertation, Princeton University, 1969), pp. 173-325.

5. Barry Steiner, as quoted in Richard Rosen, Star Ledger, 18 November 1974, p. 1.

6. See ANJSCF Newsletters, Fall, 1968.

7. The two new state colleges (Ramapo and Stockton) started with faculty governance mechanisms.

RUTGERS UNIVERSITY

Background

Rutgers University, founded in 1766 as the eighth colonial college, is now part of New Jersey's public system of higher education. Rutgers has approximately 2,500 faculty and 40,000 students on three campuses (Newark, Camden, and New Brunswick). The relationship of Rutgers with the state grew steadily over the years until, in 1956, most of the Rutgers University budget was a purchase of contract services by the state. In 1956 the conversion to public status took another major step and Rutgers University became Rutgers-The State University. Ten years later (1966), a new state-wide coordinating authority for higher education emerged-a Department of Higher Education which is under the general supervision of a Board of Higher Education. Until the formation of this new state agency, Rutgers had maintained a significant degree of autonomy since the Department of Education, the predecessor to the new agency, had exercised only nominal control over Rutgers.

The formal recognition of the AAUP in February 1970, by the University administration, climaxed a rather brief, unemotional, organizational campaign. The bargaining unit at Rutgers was shaped by the mutual consent of the parties and the process did not generate a significant degree of conflict. The bargaining unit agreed to by the parties was universitywide, including the law and medical schools. Department chairpersons are in the unit and approximately 1,000 teaching and research assistants were added in 1973.

The Case of Rutgers University

Why was Rutgers University described by Ladd and Lipset as "one of the leading universities to be 'unionized,'" among the first four-year institutions of higher education in this country to be organized?[1] Only Belleville College, a two-year institution in Illinois, preceded Rutgers as an AAUP bargaining unit.

External Forces

The establishment in 1966 of an additional layer of control over the system of higher education in New Jersey in the form of the Department of Higher Education and the passage in 1968 of a public employee collective bargaining law which covered employees in institutions of higher education were the major external precipitating forces. However, the threats to university autonomy posed by the Department of Higher Education were not determinative in directly shaping faculty views in regard to collective bargaining, at least not at Rutgers. In 1969 the department was relatively new (the first chancellor was appointed in the summer of 1967), and its activities in regulating Rutgers were not significantly visible to the faculty.

Certainly in terms of subsequent events, such as the transfer of the medical school from Rutgers and the debate over control of the computers, the faculty has become sensitized to the managerial efforts of the Department of Higher Education. But at that time it was the faculty of the state colleges and the Rutger's administration who were most aware of the developing role of the Department of Higher Education.

As noted in a previous chapter, the pressures for change in the state colleges produced the first bargaining units in four-year institutions in New Jersey. In the elections conducted by the Public Employment Relations Commission (PERC) on each state college campus, and won by NJEA affiliates, the AAUP was soundly defeated, a fact which was not unnoted by the AAUP chapter at Rutgers University.

These external events, that is, the establishment of the Department of Higher Education, and the immediate unionization of the state college faculty upon passage of the bargaining law, dictated the timing of and the motivation for the organization of the Rutgers faculty. The Rutgers administration particularly was beginning to confront many of the issues which the faculty bargaining movement might bring to Rutgers University. Its sensitivity to these issues was heightened by the efforts of the Chancellor of the Department of Higher Education during the fall of 1968 and early 1969 to develop procedures for living under the New Jersey public sector legislation. Through informal discussions with the chancellor, through statewide meetings called by the chancellor, and from memoranda issued by the chancellor, the university became concerned about the question of the bargaining unit; that is, would Rutgers be included in a statewide unit, and, also important what would be the role of the Rutgers administration and the Rutgers Board of Governors vis-à-vis the Chancellor of Higher Education and the Governor's Office of Employee Relations in making decisions in the collective bargaining context.[2]

Even before the bargaining law had been put into effect, the Chancellor of Higher Education was developing internal procedures. In October 1968 the chancellor distributed to the institutions two documents which dealt, in part, with the authority of the Board of Higher Education in negotiating salaries and fringe benefits, the question of who was the public employer in the public system of Higher Education, and the scope of the bargaining unit.[3] These documents concluded that: "One can infer that the 'employer' in Higher Education is the Board of Higher Education. While there are variations in the way that trustees of the several institutions making up the system exercise their power over salary and fringe benefits, ultimately in every case these powers may only be exercised within the policy (salary schedules) set by the Board of Higher Education and eventually funded by the legislature through annual appropriations."[4]

The chancellor later developed a set of proposed regulations for implementing the public sector legislation. These procedures, among other things, defined the public employer (the governing board of the individual institution of higher education) and the scope of the bargaining unit. However, the definition of the individual governing boards as the employer for the purposes of negotiations was modified by the following section:

> For the purposes of collective negotiations on all economic issues and all issues determined by the employer to be applicable to all public institutions of Higher Education, the employers representatives of the institutions, the Department of Higher Education, and the Office of the State Negotiator. On all other issues, the employers representative is the governing board of the public institutions of Higher Education.[5]

In internal discussions the administration disagreed with this concept of a bargaining relationship between the state and Rutgers. The university preferred a relationship in which the Rutgers administration would do the negotiating while maintaining a liaison with relevant state agencies. The administration and the AAUP were also concerned about being included in a statewide bargaining unit with the state colleges, though the basis for this concern diminished somewhat since, by the time the AAUP started a serious move in the fall of 1969, a bargaining unit for each of the state colleges had already been shaped by the Public Employment Relations Commission (PERC).

In any event, the external forces were important in that they generated concern within both the administration and the AAUP leadership which led them to conclude that collective bargaining in a pattern defined by the AAUP leadership and the administration was preferable to externally determined relationships. The procedure preferred by the administration to determine majority representation is indicative of this concern. The parties used the American Arbitration Association rather than the New Jersey Public Employment Relations Commission, in part, to avoid endangering the university's ongoing efforts to clarify its legal autonomy from the State of New Jersey. By using PERC procedures, the university felt that it would be admitting it was a state agency subject to state procedures. The university complied with the substance of the PERC procedures by notifying the AFT and the NJEA of the intent of the AAUP to organize the Rutgers faculty.

Internal Factors

In addition to the external motivating forces, there were other factors as well which made the notion of faculty bargaining more receptive to the Rutgers faculty and administration. The president and his assistant for employee relations were not strangers to collective bargaining. The president had been the chariman of the New Jersey State Board of Mediation for about ten years and the assistant to the president for employee relations had been a mediator for the same board for fourteen years. So the top administration was familiar with and supportive of the bargaining process, rather than being apprehensive of it. In fact, members of the administration had earlier disagreed with Chancellor Dungan's attempts to have the institutions of higher education excluded from the public employee collective bargaining law. Governor Hughes vetoed the law and one of the reasons for doing so was that he felt that higher education should be excluded from coverage. However, the law was passed over his conditional veto.

There is no doubt that the administration preferred to deal with the AAUP rather than another bargaining agent due to the long, informal relationship between the AAUP and the administration. In fact, both the provost and the vice provost (now the senior vice president for academic affairs) were former Rutgers AAUP officials. The vice provost had also been a co-author of the national

AAUP's statement on faculty governance. In any event, the administration did not discourage the movement of the faculty towards collective bargaining. To the contrary, "The University position has been demonstrated rather overtly that the University is willing to engage in collective negotiations with a duly recognized negotiations agent."[6]

The absence of any opposition from the administration was probably of major importance, particularly since the outcome of subsequent elections at other institutions in the country were influenced by administrations which aggressively opposed faculty unionism--for example, Michigan State University, University of Massachusetts, and New York University. Not only did the Rutgers administrations not oppose faculty unionization, but the structural aspects of higher education in New Jersey led the administration to perceive the AAUP as a possible ally in dealing with state authorities, a role which the AAUP had played with success in the past, as will be discussed below.

Indeed, the single most important factor in explaining the faculty acceptance of the AAUP as the bargaining agent is related to the historical activities of the AAUP on the Rutgers campus. While the external forces discussed above may explain why the leadership of the AAUP and the university administration were defensively motivated to encourage representation, the external forces did not explain why the faculty as a whole so overwhelmingly embraced the bargaining concept at a time when the conventional wisdom was that faculty bargaining was antithetical to professionalism in higher education.

Historical Role of AAUP

The Rutgers University chapter of the AAUP was established in 1922, seven years after the national AAUP had been founded, in an era of great stress for the faculty brought about by university reorganization.[7] Over the years the Rutgers AAUP chapter developed a history of representing the faculty interests on a wide range of issues, a role which has not been common for the majority of the AAUP chapters around the country. The AAUP, through a small core of activists, was active at all levels in pursuing faculty objectives--the local senate, the central administration, the local governing board, various aspects of the executive branch of state government, including the governor, and, finally, the legislature. In fact, the tactics used to pressure the administration and state government to improve salary and fringe benefits were akin to actual negotiations.

A key element in the visibility of the AAUP to the faculty was the role the AAUP played over the last decade in helping to improve faculty salaries. Only two and a half years before the onset of collective bargaining, the AAUP efforts contributed to salary improvements which moved Rutgers from an AAUP "C" rating to an "A" rating. However, the AAUP had been active in this area for a long period of time.

In making its case on salary needs known, the AAUP approached almost annually all levels of management, both external and internal to the university. Externally, appearances at hearings before the state budget director and the Joint Legislative Appropriations Committee were common. On occasion the AAUP met directly with the Governor and solicited support, through letter writing campaigns and visits, from alumni organizations, the press, and state legislators. The AAUP also collaborated over the years with the college salary committee formed by the NJEA in 1957-58. The effectiveness of these efforts, as with most lobbying efforts, is difficult to assess, particularly since the Rutgers administration was also committed to improving salaries and benefits as a means of maintaining and improving the quality of the faculty. But there is no doubt that the AAUP was active in reinforcing, and often stimulating, the administrative commitment.

Another major goal sought by the AAUP and the administration, and achieved shortly before the start of negotiations (1966-67), was the addition of the TIAA-CREF pension program to the faculty benefit package. The AAUP also had been active over the years in processing faculty complaints, in pressing for changes in the tenure regulations, and in pushing for changes in faculty governance. Two years before the arrival of collective bargaining, the AAUP was instrumental, along with student pressure, in setting in motion an evaluation of the senate.

The informal negotiating role developed over the years by the Rutgers AAUP chapter was quite unlike that of most other local AAUP chapters in the country. The emergence of an informal negotiating role at Rutgers was likely the result of the conditions noted above which members of the AAUP, particularly the leadership core, felt needed remedying. Certainly an internal governance vacuum created by the absence of an effective, centralized senate led the AAUP to assume gradually a broader role in representing faculty interests in respect to many issues of universitywide concern. No doubt external factors played an important function in producing this role as well, particularly the long-standing underfinancing of higher education in New Jersey.[8] The slow developing, still indefinite, often stormy relationship between the former colonial college and the state probably reinforced these financial pressures. By 1969 the AAUP chapter, with approximately 25 percent of the faculty as members, compared to a national average for the AAUP of around 10 percent, was among the ten largest in the country.

The methods and arguments used by the AAUP leadership in the organizational campaign are illustrative of the importance of the historical role of the AAUP.

The Campaign, The Issues

The organizational campaign of the Rutgers faculty was not characterized by waves of faculty expressions of dissatisfaction through mass mailings or mass meetings. The meetings that were held by the AAUP were attended by usually not more than fifty faculty out of a potential bargaining unit of approximately 2,000 faculty. The campaign literature, what there was of it, was low key.

The well-organized campaign for signatures was accomplished on a personalized basis by senior faculty within individual units of the university and, from start to finish, lasted for a period of three weeks. At the conclusion, the AAUP claimed that over 90 percent of the faculty had signed signature cards. However, since the bargaining unit was subsequently defined more broadly than the faculty approached by the AAUP, the AAUP actually collected signatures from about two-thirds of the bargaining unit members. There was no election; the AAUP claimed and received recognition for the purposes of collective bargaining based on the signature cards it had collected.

What were the arguments used by the AAUP to convince the faculty? Interviews with faculty approached by the AAUP indicated that the most important factor in many faculty minds was the threat posed by representation by either the NEA or the AFT. In actuality, while the AAUP leadership used this threat quite effectively in achieving faculty support, there was no real threat posed by either the AFT or the NEA at Rutgers University. The AFT had only met on campus once or twice; the NJEA's efforts were restricted to a mailing to all faculty asking them to join the NJEA. This mailing resulted in no increase in membership, and in fact, some of the administration and AAUP leaders felt it may have motivated many faculty to sign up with the AAUP. Neither of the organizations, the NEA or the AFT, intervened in the recognition process.

There were few other issues evident in the campaign. There was no significant anti-administration sentiment, though there was some dissatisfaction localized within the AAUP leadership in regard to the participation of the faculty in budget preparations. However, the AAUP had been complaining for years about the lack of faculty participation in the budget process and it is unlikely that this event in itself was an important precipitating factor. In fact, the AAUP leadership indicated that the budgetary problem was not of significant concern to the faculty as a whole.

In respect to other aspects of governance, Rutgers University had lacked an effective institution-wide governing body over the years. Moreover, discussions in respect to the reorganization of the senate were being conducted by the board of governors during the same period as the drive for signatures, and many faculty were unhappy with the fact that membership in the reorganized senate was to include students and administrators as well as faculty. But the faculty did have participation within the autonomous colleges and divisions of Rutgers University. In fact, the desire of the faculties of these colleges to protect their autonomy undermined attempts in the early fifties to develop an effective institution-wide governing structure. While the extent of participation varied by college, in most instances the faculty had a sense of participation on many issues, including appointment, promotion, and tenure decisions, curriculum matters and degree requirements. Moreover, faculty governance was not made an important issue during the organizational campaign.

Certainly the motivation of the faculty did not seem to be economically oriented. At the time of organization, Rutgers faculty salaries warranted an AAUP "A" rating. Additionally, the economic depression in higher education, as indicated by stabilizing or declining enrollments, had not touched Rutgers at the time of organization, nor has it in a major way since that time. Although a small number of units have experienced enrollment problems in recent years, the overall state of Rutgers' enrollments has been healthy. In 1974, Rutgers showed the largest increase in applications for admission among all state universities and land-grant colleges.[9]

There was a degree of discontent in respect to the fringe package. There was some feeling that the insurance coverage was inadequate, and that the state was not paying enough of the TIAA-CREF costs. The absence of a sabbatical program was also a concern, though it should be noted that an active program for funded research leaves was available. But faculty displeasure in respect to fringe issues did not seem to be determinative and the AAUP did not concentrate heavily on these issues.

Bargaining Unit Formation

The bargaining unit at Rutgers was shaped by the mutual consent of the parties and the process did not generate a significant degree of conflict. The administration had consulted with others in regard to possible unit configurations, but primarily the unit which was shaped reflected local concerns and perspectives. The bargaining unit agreed to by the parties was universitywide, covering all colleges and other units in all geographical locations of the university. Included were all members of the academic staff engaged in instruction and research as professors, associate professors, assistant professors, lecturers, instructors and all members of the research library and extension staff who held equivalent rank in the university. Members of the academic, research, or equivalent staffs were defined to include those who were compensated at 50 percent or more of the annual salary established for the position which they held.

Excluded from the unit were all officers of the administration including deans, associate deans, assistant deans; and all visiting professors of any rank, part-time professors, honorary professors, teaching assistants, research assistants, fellows, directors, and all other employees of the university.

Department chairman were included in the bargaining unit because the parties felt that the elected status of the chairman was indicative of their role in the university.

At the Rutgers Medical School, which was subsequently severed from Rutgers and merged with other state medical and dental schools, the question was never raised as to whether or not the medical faculty should be in the same unit with the rest of the faculty. The AAUP representative who passed the signature cards at that time said that he did not raise the issue and that the very high percentage of the faculty who signed the cards indicated that most of the faculty did not think of raising the issue either. At that point the medical school faculty was comprised primarily of basic scientists (Ph.D.) since most of the clinicians (M.D.) were not added until the medical school training program was subsequently expanded to four years.

In contrast, the faculty of the law school adopted a motion which indicated that the appropriate bargaining unit at Rutgers should include separate units for the professional schools. However, this never really became an issue between the AAUP and the administration because the central administration desired to have the law school in a single unit with the faculty. Apparently the law school faculty did not strongly oppose the wishes of the president. No subsequent problems have arisen by having the law faculty within the bargaining unit.

The associate and assistant deans were not included in the unit primarily because of the need of the dean to have some degree of confidentiality in policy determination. The thesis was that the dean should be surrounded by administrators with whom he could freely discuss all aspects of college or unit management without fearing that these deliberations might be shared with the faculty bargaining agent. However, some of the assistant and associate deans did not like this status. A group of eight deans sent a memo to the provost indicating their desire to have the AAUP as their bargaining agent. Other deans felt that the AAUP should represent them only insofar as they were faculty members. However, the assistant and the associate deans are still not included in the bargaining unit and it is likely that state officials would oppose any such plan.

The definition of the bargaining unit was later changed in several respects. Soon after recognition was granted, the directors of programs who had primarily academic functions were included by mutual agreement. Assistants to the deans were later excluded. The most significant change involved the addition to the faculty bargaining unit of approximately 1000 teaching and research assistants.

Summary

The experiences at Rutgers University confirm some commonly held expectations about the causes of faculty bargaining. The passage of labor legislation was determinative, though indirectly, in domino fashion through the state colleges. The gradual incorporation of Rutgers into the New Jersey system of higher education, and the subsequent restructuring of this system, was also crucial.

But the origins of faculty bargaining at Rutgers University did not derive from widespread faculty discontent over economic matters, job security, or decision-making authority. Apparently, the suggestion by Barbash that "the union option is chosen at this time only in the extreme cases where the discontent of the professors with their situations runs so deeply that it overcomes their culturally inbred resistance" does not appear to have been true at the time of the formalization of the relationship at Rutgers.[10]

Clearly, the AAUP leadership at the time of organization was more interested in protecting its jurisdiction than in bringing about significant institutional change. Similarly, the Rutgers administration preferred a Rutgers-only bargaining unit as a means of protecting autonomy. But explaining the organization of the Rutgers faculty in terms of a defensive reaction to external threats is insufficient. Within the context of the external forces, a key element, as it has been at other four-year institutions organized at an early date, was the visible role which the AAUP had played in representing the interests of the faculty.[11] It was the acceptance and trust of the AAUP by the faculty gained through the AAUP's past representation of faculty interests, together with a positive disinclination to have the NEA or AFT as the exclusive representative, and an administration which encouraged collective bargaining for its own defensive reasons related to the locus of authority in higher education, which produced one of the first bargaining relationships in a university.

NOTES

1. Everett Carll Ladd, Jr. and Seymour Martin Lipset, *Professors, Unions and American Higher Education*, (New York: Carnegie Foundation for the Advancement of Teaching, 1973), p. 102.

2. The Governor's Office of Employee Relations was established to coordinate the bargaining activities of all state employees.

3. "A Possible Procedure under S-746 for New Jersey Institutions of Higher Education" and "Some Questions Concerning the Administration of S-746 (Public Employee Relations Act)."

4. "Some Questions Concerning the Administration of S-746 (Public Employee Relations Act)," p. 2.

5. "Proposed Regulations Implementing Chapter 303, Laws of 1968, Department of Higher Education," 10 January 1969, p. 2.

6. Letter from Provost to a faculty member in December, 1969.

7. Richard P. McCormick, Rutgers: A Bicentennial History (New Brunswick, N.J.: Rutgers University Press, 1966), pp. 189-90.

8. Over the years, Rutgers had experienced continuing funding problems with the executive branch and the legislature, in part because the state has historically underfunded public services in comparison with other states. New Jersey has long been known as an exporter of students and, until recently, sent over half of its college-bound students to other states for their education. In 1969, New Jersey ranked forty-eighth out of the fifty states in per capita appropriations for colleges and fiftieth in terms of the number of state employees per capita. It seems that New Jersey has always lagged in support of public education--it was one of the last states in the country in the late 1800s to adopt fully a system of public elementary and secondary education.

9. Article in the "Educational Forum" of the Newark, New Jersey Star-Ledger, 23 June 1974, under the byline of Henry R. Winkler, Senior Vice-President of Academic Affairs, Rutgers University.

10. Jack Barbash, "Academicians as Bargainers with the University," Issues in Industrial Society, 1970, Vol. I, No. 3, pp. 22-28.

11. For example, the Legislative Conference at the City University of New York and the NJEA at the New Jersey State Colleges had represented faculty interests for a number of years before collective bargaining.

NEWARK COLLEGE OF ENGINEERING (NEW JERSEY INSTITUTE OF TECHNOLOGY)

Background

The origins of the New Jersey Institute of Technology (NJIT) (formerly the Newark College of Engineering) derive from the founding of the Newark Technical School in 1885. The institution was designated the Newark College of Engineering in 1919 when engineering degree programs were initiated. In recent years the college, in part as a response to declining enrollments, has broadened its offerings to include engineering science, computer science, technology, industrial administration, and architecture. The college currently has approximately 7,000 students and 250 faculty.[1] Because of the expanded mission, the name was changed to the New Jersey Institute of Technology in 1974.

Although the college was originally financed by the City of Newark and open only to Newark residents, over the years the source of funding shifted to the State of New Jersey until most of the public funds now come from the state. As a publicly funded college, New Jersey Institute of Technology is under the jurisdiction of the State Board of Higher Education which was established in 1966. Like Rutgers University, NJIT had experienced substantial autonomy under the Department of Education, the predecessor to the Board of Higher Education.

The move towards collective bargaining at NJIT began in 1969. In late 1969 an independent organization, the Professional Staff Association (PSA), initially applied to the administration for recognition based on faculty card signatures. This organization had derived from the faculty governance body, the Faculty Council. Since there was apparently no urgency to the PSA request, the administration did not act. But in February 1970, the PSA reapplied for recognition. In April 1970 the PSA was recognized as the bargaining agent based on a verification of faculty signatures by a Seton Hall law professor. Both the PSA leadership and the administration reported that faculty participation was very high and very supportive of collective bargaining.

Conceivably, as a publicly-funded institution, NJIT had access to the procedures of the Public Employment Relations Commission. But upon advice of attorney and a general feeling that the newly established PERC was not well-organized, the parties decided to "maintain things within the family." Thus, PERC procedures were not used.

By mutual agreement of the parties, the bargaining unit consisted of (1) all full-time teaching personnel, (2) many full-time administrative personnel from offices such as finance, admissions, library, and registrar, and (3) department chairmen.

The Case of NJIT

The distinctive feature of the unionization of the NJIT faculty was that the bargaining movement emerged from the faculty governance body, the Faculty Council. Because of this, NJIT is the only institution of higher education in New Jersey in which the faculty are represented by an independent agent.[2] Subsequent efforts to affiliate the PSA with one of the national organizations have been unsuccessful.

Discussions of collective bargaining at NJIT began with the imminent passage of New Jersey public employment legislation in September 1968. A faculty member who was experienced in the collective bargaining process held a meeting on the subject before the faculty, and it was reported that the room was filled with faculty, including the college president. When the law was passed, the Faculty Council, an all-faculty body, set up a committee of three veteran faculty who were all past chairmen of the Faculty Council. These three individuals studied the prospects of faculty bargaining and made trips to Trenton, the state capitol, to collect information.

This committee subsequently recommended the collective bargaining route, but indicated that it was best not to affiliate with an external organization at that time. The Faculty Council concurred, and the same three-man committee proceeded to prepare the by-laws for the Professional Staff Association. The by-laws and constitution of the PSA were subsequently ratified by the faculty by a vote of 109 to 23.

The reasons that the NJIT faculty chose this avenue are several. First, while some faculty had loyalties to the NEA, AFT, and AAUP, none of the external faculty organizations had any significant internal following. Even though the AAUP had had a chapter for a number of years, one of the founders of that chapter indicated that the AAUP was never very strong. Originally the AAUP had sponsored speakers and similar activities, participated in the statewide college salary review committee, and had been active in establishing the Faculty Council. "But as the years went by the AAUP sort of shriveled up,"[3] in part, because it did not attract the interest of the growing number of new faculty. Thus, there was no external organization on campus with enough support to counteract the movement toward an independent agent. In fact, the threat of organization by outsiders was reported to have been a persuasive argument to many faculty. Moreover, one of the members of the three-man Faculty Council committee studying bargaining indicated that the committee decided to recommend the independent route because it was a more acceptable alternative to "a conservative bunch of engineers."[4]

The aggressiveness of the Faculty Council in seeking out collective bargaining and the choice of the most conservative bargaining agent alternative are indicative of the defensive nature of the

NJIT bargaining movement. In short, the senior faculty leaders in the Faculty Council wanted to preserve the relatively new concept of faculty governance which was developing against outside intrusion, but at the same time take advantage of the bargaining law to improve their economic interests. The by-laws and constitution of the PSA developed by the Faculty Council are indicative of this approach. For example, in Article II, one of the purposes of the PSA is set out as being the representative of the professional staff of the college in negotiations dealing with those economic issues, working conditions, and other conditions of employment not included in the scope of faculty governance as defined in the by-laws. In Article III of the PSA by-laws, faculty governance is defined as follows:

> The Association shall cooperate with the Faculty of Newark College of Engineering in maintaining and promoting those practices associated with faculty governance in institutions of higher learning. This cooperation shall be sufficiently extensive to assure the autonomous functioning of the faculty in those matters traditionally associated with faculty governance. Nothing in this document is intended in any way to abrogate the traditional rights, privileges and responsibilities of the faculty in their determination of, and participation in College governance. Neither does this Constitution preclude the Association from acting on behalf of the faculty at the request of the faculty. The Governing Board of the Association shall cooperate with the Faculty Council in all matters of mutual interest and concern, especially with regard to actions relating to faculty governance at the College.[5]

The basis of faculty concern for preserving the Faculty Council is not difficult to pin point--the Faculty Council had participated in bringing about changes in faculty benefits and rights in the relatively brief period since its establishment in 1966. A 1972 Middle State Report confirms this finding from interviews and document analysis: "In the last decade, in common with many other institutions, a concerted effort has been made to involve faculty and students more effectively in the decision-making process."[6]

The report continued:

> The College's policies and procedures regarding academic personnel have been substantially altered in recent years. Many of the changes were initially proposed by the Faculty Council; others were initiated by the Executive Committee,[7] some simply evolved on the basis of experience. In several cases, the two groups worked together to develop a proposal for faculty consideration. Most of the changes ultimately required Board of Trustee approval.
>
> For several years, faculty appointments, promotions, and tenure have been reviewed by department and College-wide committees. The departmental committees, which consist of tenured full professors, make initial recommendations for appointments, promotions, or tenure. Promotion and tenure recommendations are reviewed by a College-wide committee (consisting of three faculty and three administrators), for final recommendation to the President. The system has greatly increased faculty involvement, compared to the earlier system, where a department chairman alone made recommendations directly to the President. It has also increased the complexity of the process, thereby creating some confusion and uneasiness among younger faculty.

The Executive Committee and the Faculty Council worked closely together for two years on an extensive revision of the criteria for promotion and for tenure. After a study extending over two years, the revised criteria were submitted for faculty approval with the endorsement of both groups, thereby facilitating prompt favorable faculty action.

The procedure for appointing department chairmen has undergone a gradual evolution in the last several years. It is the prerogative of the President to appoint chairmen; and, with the assistance of the Dean of Engineering, he has moved toward formalizing faculty involvement in the selection. At present, when a vacancy occurs in a chairmanship, an advisory committee on selection is elected by the department faculty. The committee meets with the Dean of Engineering to identify and screen candidates and make a recommendation to the President. During the screening process, all department staff have an opportunity to comment on the candidates.

More recently, the Faculty Council has proposed formalizing the selection procedure and also developing a periodic evaluation procedure for chairmen, with a specific term of office.

There are also formal procedures for faculty involvement in selection of a President and Deans.[8]

Among other matters initiated by the Faculty Council was a sabbatical program established in the late sixties. The Faculty Council, in concert with the administration, had also been active when NJIT faculty achieved significant salary improvements in 1968. At Rutgers it had been the AAUP, at the state colleges the NJEA, but at NJIT it had been the Faculty Council lobbying in Trenton with the administration of NJIT. In all cases, the joint support of the respective administrations was probably determinative. Nevertheless, this activity of the Faculty Council had not gone unnoticed by some of the faculty.

As a consequence of the developing governance system through the Faculty Council, the desire of the faculty to protect this successful history is not surprising. However, it would be inaccurate to conclude that the move towards collective bargaining was entirely defensive in nature. The origins of the Faculty Council are illustrative.

Origins of Faculty Council

NJIT had a history of centralized, autocratic, but paternalistic, administration which many of the recent policy changes noted above were aimed at altering. The 1972 Middle States Report described the situation more tactfully--"the college has had a tradition of strong, central administration, particularly focused in the President."[9]

Faculty and administrators interviewed presented a number of examples of the role of prior presidents. One president, for example, required students to wear ties to classes; this requirement remained in effect until 1968. Coming late to faculty meetings under this president was also bad policy. The procedures for handing out salary increases were a source of dissatisfaction emanating from that period. The faculty had no input on the amount of salary increases they were to obtain each year. The faculty simply received raises in the individual contracts and if they were dissatisfied they had to go individually and meet with the president. One interviewee remembers that when he did this on one occasion and received a salary increase the president said not to say anything to anyone else. However, this interviewee said that the faculty always communicated with each other in regard to the increases they got through such individual negotiations.[10] Several interviewees agreed that this particular president was perceived by the faculty as a complete tyrant and indicated that if a faculty member tried to use another offer to get a salary increase, the president might tell him to take it.[11]

The next president, according to those interviewed, had over his tenure developed a warm relationship with many of the faculty. An indication of this faculty perception of the president was a unanimous request from the faculty that this president delay his retirement. However, it was during his tenure that changes occurred which created the pressures for formalized faculty participation.

The rapid growth of NJIT during the administration (1947-1970) of this president was crucial. As the enrollment and size of faculty had increased, the college had lost some of its closeness, and the informal lines of communications had become stressed. The close-knit nature of this institution, however, is still much in evidence today. The word "family" or similar words appear frequently in conversations describing relationships at NJIT. In addition, the last two presidents, whose tenure spanned almost thirty years, were graduates or faculty members of NJIT. The choice of a local, independent bargaining agent is in part a product of these "family" feelings. However, as the college grew during that period from an enrollment of 2,800 to an enrollment of 9,500 students, the need for formalized faculty participation also evolved; collegewide faculty meetings and an executive committee with no faculty representation except for department chairmen were no longer sufficient. Concurrently, an administration concerned with codifying and improving personnel policies and adapting the college curricula to changing educational needs was responsive to many of the developing governance and benefit demands of the faculty. As one faculty leader indicated, "the climate seemed to be right for both the faculty and the administration to be willing to do some things."[12]

But the evolution into governance was, in part, reactive to the style of a particular dean who had been aggressive in introducing change. Even though the dean was reportedly favorable to the initiation of changes in faculty personnel procedures and benefits, many of the faculty were upset over the dean's methods of operation. According to an administrator, the new dean, in incorporating new policies and programs, had a tendency to "ramrod things through. He wanted to get things done rapidly and efficiently and was not accustomed to the deliberative way a faculty made its decisions."[13]

As a consequence of these forces, the Faculty Council was established through the efforts of senior faculty. The president, sensing rising faculty tension, supported the move although he had previously refused to react to a suggestion of one member of his administration for a study of faculty governance.

In a sense the establishment of the Faculty Council in 1966 was a more revolutionary event than the subsequent onset of collective bargaining. The formation of the council represented the emergence of the faculty from a history of paternalistic leadership. While that leadership style was perhaps appropriate for a small college in those days, indeed, many faculty fondly remembered the "old days," growth and change caused tension which produced more formalized faculty participation.

As noted above, the Faculty Council since its founding in 1966 had been active in bringing about changes in faculty personnel procedures and economic benefits. Indeed, it probably has been the most active faculty governance body in any of the thirty New Jersey institutions under study. However, the changes the Faculty Council was helpful in bringing about were already a part of some of the other institutions' rules and procedures.

Because of the perceived success of the Faculty Council in representing faculty interests, and because of a continuing degree of mistrust of the administration, the faculty leadership has resisted efforts of the administration to broaden the membership of the council to include students, administrators, and alumni. By directing the selection and constitutionally limiting the jurisdiction of an independent bargaining agent, the council was also protecting its authority.

Despite the Faculty Council's success in some areas, there were others in which the degree of faculty participation was not felt to be satisfactory, particularly in respect to curriculum changes. The administration in recent years has desired to alter and broaden curricular offerings, in large measure in order to stem enrollment declines. The major policy recommendations in this area derived not from the Faculty Council, but from the Faculty Committee on Curriculum which was chaired by the dean of engineering. Except for the department chairmen, there were no faculty on this important committee, although there were two students. It was as chairman of this committee that the dean of engineering aroused the faculty's ire. The Faculty Council in particular has been very active in recent years in criticizing the committee on Curriculum, at one point calling for an evaluation of the actions of that committee over the past several years.

In summary, the bargaining movement at NJIT which was unopposed by the administration was primarily a defensive movement to preserve established relationships against outside organizations. Like Rutgers, the movement was masterminded by senior faculty who wanted to preserve the status quo. However, contrary to the experience at Rutgers University, faculty-administration strains over local problems were more important causitive factors at NJIT. But the contribution of the local problems to the development of bargaining was not as important as the local problems at CMDNJ because the Faculty Council in conjunction with the administration had dealt with and resolved many of the problem areas. Finally, unlike CMDNJ, the bargaining relationship at NJIT was initiated concurrently, and relatively independently, of the development of bargaining at Rutgers University.

NOTES

1. *NCE Undergraduate Programs* catalog for 1973-74, p. 21-25.

2. One of the county colleges started out with an independent agent, but in a short time it became affiliated with a national organization.

3. Interview with one of founders of local AAUP Chapter, 6 June 1973.

4. Interview with one of the members of the Faculty Council study committee on bargaining, 29 June 1973.

5. *Newark College of Engineering Staff Handbook*, undated, p. 68.

6. Middle States Association, *A Broadening of Mission - The Development of a Technological University*, March, 1972, p. 58.

7. The membership of the executive committee consists of the president, deans, and department chairman.

8. Middle States Association *op cit*.

9. Middle States Association, p. 58.

10. Interview with official of Professional Staff Association, 6 June 1973.

11. Interview with officials of Professional Staff Association and Faculty Council, 6 October 1976.

12. Interview with official of Professional Staff Association and Faculty Council, 23 June 1973.

13. Interview with member of central administration, 23 May 1973.

THE COLLEGE OF MEDICINE AND DENTISTRY OF NEW JERSEY

Background

The College of Medicine and Dentistry of New Jersey (CMDNJ) was founded by the state legislature in July 1970,[1] with the consolidation of the New Jersey College of Medicine and Dentistry and Rutgers Medical School under the control of a single board of trustees. The college includes four schools: The Graduate School of Biomedical Sciences, Newark; New Jersey Dental School, Newark (moved from Jersey City; New Jersey Medical School, Newark; and Rutgers Medical School, Piscataway. The college currently has approximately 1,100 students and 570 faculty.[2]

The New Jersey Medical and Dental Schools had been originally incorporated in 1954 as the Seton Hall College of Medicine and Dentistry, but the college was purchased by the state in 1965 when it encountered financial difficulties. The Rutgers Medical School had been founded in 1962 by Rutgers University. However, the 1970 merger severed the Medical School from Rutgers because "it is the responsibility of the State to provide funds necessary to establish and operate such programs of education, in the most economical and efficient manner. . . ."[3]

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Despite a political battle, the faculty of the Rutgers Medical School, the Rutgers administration, and many supporters in the state were unable to convince the state senate to deny the governor and the chancellor of higher education the merger. CMDNJ, as part of the state system, is under the jurisdiction of the State Board of Higher Education.

The geographical separation of the campuses, the different origins of parts of the college (private and public), and the merger all provide threads leading to the organization of the faculty for collective bargaining purposes.

The recognition campaign was conducted by the AAUP during the 1971-72 academic year. Upon a 70 percent showing of interest by the faculty, a consent agreement for an election was arrived at in May 1972. No other bargaining agents campaigned or intervened in the election. The election was conducted on 6 June 1972 and the vote was: AAUP - 93; no union - 40. There were 25 challenged or void ballots which were not determinative of the outcome of the election. About 68 percent of the 225 eligible voters cast ballots, one of the lowest participation rates in the state. The Rutgers Medical School faculty did not vote in the election since its severance from Rutgers University was not yet complete, but they were later included in the unit by mutual agreement.

The May election consent agreement had defined the bargaining unit as mutually agreed upon by the parties. The unit certified by PERC included "all full-time teaching and/or research faculty and all part-time teaching and/or research faculty who are employed at 50% or more of full-time" employed by the College of Medicine and Dentistry of New Jersey. Excluded were "all administrators and supervisors within the meaning of the act [including deans, department chairmen, and division chairmen], and all part-time faculty employed at less than 50 percent of full-time. Also excluded were all house staff members [including those holding academic rank of instructor], policemen, craft, and non-professional employees."[4] Subsequently problems arose over the status of department chairmen because the chairmen from the Rutgers Medical School had been included in the bargaining unit when the medical school was part of the Rutgers University unit. To date, faculty efforts to have department chairmen included in the unit have been unsuccessful.

The Case of CMDNJ

When CMDNJ was organized by the AAUP in 1972, it became the first and only free-standing medical school to date to do so. Most other medical school faculties have organized defensively, that is, only to protect autonomy and benefits where the medical school is part of a broader organization. Indeed, most medical faculties have successfully fought being included within bargaining units with other elements of universities.

As noted above, the faculty from the Rutgers campus did not participate in the consent election because it had not yet been administratively severed from Rutgers University. However, the faculty had been part of the bargaining unit at Rutgers University. Since the earlier organization of the Rutgers faculty had an important effect on the acceptability of bargaining to the CMDNJ faculty, the discussion will first proceed with the organization of the Rutgers Medical School faculty.

The Rutgers Medical School

The organization of the Rutgers Medical School faculty occurred at the time the rest of Rutgers University was organized in early 1970 since they were part of the same unit. Unlike the medical school faculty of other institutions, they did not demand a separate unit. No doubt part of the reason derives from the fact that at the time of organization, the medical school was still offering only the first two years of medical education. Thus, most of the faculty were basic scientists with Ph.Ds. The full program with the addition of clinicians, almost always M.D.s, was not added until later.

The signature drive at the Rutgers Medical School was conducted in the same way as the rest of the Rutgers organization--by a few, respected, mostly senior faculty. It was reported by the leader of the medical school signature drive that he achieved 100 percent participation, primarily he thought because the process took place before there were any clinical faculty on board. The inclusion of the medical school in the same bargaining unit with the remainder of the university was not an issue simply because neither the faculty leadership nor the medical school administration raised it.

The main line of argument to achieve signatures was also similar to that used when the rest of Rutgers was organized--either vote for the AAUP or be confronted with some other more unacceptable faculty organization. However, there was a greater degree of dissatisfaction with local conditions than was operable in the remainder of Rutgers University, particularly among the leaders of the organizational drive.

As origninally set up in 1962, the Rutgers Medical School did not provide for faculty governance within the medical school, although the faculty were a part of the Rutgers University Senate. The dean of the medical school did provide faculty participation through an Executive Committee. However, he felt he had the right to select the faculty members since the authority of the committee stemmed from powers delegated to the dean. There was pressure from the faculty, or, more accurately, the informal faculty leaders, for more democratic participation in the medical school. And when the dean publicly stated his concept of the executive committee, the faculty demanded an elected Executive Committee. With the provost of Rutgers University mediating, the parties developed an Executive Committee which included two members of the faculty elected at large.

The Rutgers Medical School faculty had the same tenure and promotion policies as the remainder of Rutgers University. But there was some difficulty in respect to faculty participation in promotions. On one occasion, for example, the faculty were upset that a unanimous, faculty

Promotion recommendation had been reversed. The faculty had viewed a unanimous decision as irrevocable and a reversal contrary to collegiality.

While there was a greater degree of dissatisfaction with local conditions in the medical school, in part, because of the stresses and strains of starting a new school, much of this dissatisfaction resided in a few individuals and probably in itself would not have produced unionism. It was no coincidence, for example, that the leaders of the organizational drive had also been active in pushing for greater faculty participation. The location of the medical school within Rutgers University, the fear of being organized by a "union," and the active leadership of respected faculty were major precipitating factors.

CMDNJ

The organization of the Rutgers Medical School in 1969 and a close relationship with the Rutgers AAUP leadership were important precipitating factors for the organization of the Newark and Jersey City campuses of CMDNJ in 1972. Because of relationships with the Rutgers medical faculty, the Newark and Jersey City faculty were familiar with and impressed by the kind of bargaining model developing at Rutgers University which appeared to separate bargaining from traditional governance. Visits and aid by Rutgers AAUP officials, particularly the AAUP president, were important in influencing the faculty. One CMDNJ faculty leader stated that "the leading precipitating event was the fact that [the Rutgers AAUP president] had come up several times to talk to them about collective bargaining and that if there was a single person that led them into bargaining, it was he."[5]

The role which the Rutgers AAUP played is indicated in some of the literature distributed to the faculty during the campaign. For example, one of the lead titles of an issue of the CMDNJ AAUP Newsletter was "Rutgers AAUP Invites Faculty to Join in Collective Bargaining."[6] The entire issue of this newsletter was devoted to selling the successful Rutgers bargaining relationship. The leadership of the CMDNJ felt the financial assistance received from the Rutgers University AAUP, and the promise of future funds from the national AAUP were crucial to their being able to afford to become the bargaining agent.

Faculty perceptions of the AAUP as an organization were also important in the unionizing drive. Other bargaining agents were ruled out by the faculty for the same reason that Rutgers University faculty ruled them out. One faculty leader pointed out that "they went with the AAUP because there would be little conflict between developing governance separate from collective bargaining."[7]

The organization of the faculty was not all smooth sailing, however. Unlike the Rutgers Medical School, there were large numbers of clinicians (MDs) on the staff, and to get their support it was necessary for the AAUP to agree to keep out of negotiations anything dealing with the faculty practice plan which provided the clinicians significant extra income. Despite these promises, it is the AAUP's perception that most of the support for bargaining came from the basic scientists (Ph.D's). The leadership, in fact, was and has continued to be comprised mostly of basic scientists.

A fundamental difference between CMDNJ and Rutgers University was that the AAUP did not have an extensive and successful past history in representing interests at CMDNJ. The AAUP Chapter was formed in 1970 out of growing faculty dissatisfaction with the actions of a particular dean by some of the same individuals who led the subsequent organizational campaign. In the year preceding the formalization of collective bargaining, the AAUP was active in trying to get involved in the budgetary process. The admininistration response at that point was that the AAUP would be provided with input after the budget preparation process was concluded. In fact, the president's reply to the AAUP was that when the budgetary process is completed "and if appropriate and so directed by our faculty [the budget information] will be shared with the properly identified designee of the AAUP at that time."[8]

While there is little doubt that the prior bargaining experiences at Rutgers University and the campaigning of the Rutgers AAUP Chapter were important precipitating events, as one leader indicated, "without a base of dissatisfaction, there would have been nothing for [the Rutgers AAUP president] to work on"[9] The absence of a faculty personnel system, the lack of an effective governance system, and the leadership style of the administration were important sources of faculty dissatisfaction.

Many of the shortcomings perceived by the faculty derived from the time when the medical school was a part of Seton Hall University. The head of the program, a priest nicknamed "Iron Mike," reportedly ruled the program autocratically and disdained faculty participation. Another factor was that the program was staffed primarily by part-time faculty.

The takeover of the school by the state in 1965 did not lead to much immediate improvement in faculty benefits and participation; it took almost ten more years to bring about changes. For example, there was no formal program of sabbaticals although a few people apparently received them. But most important, there were no by-laws setting out any kind of procedures for faculty appointments, promotions, and tenure. There was no statement on academic freedom. In fact, there apparently was no tenure system, although most faculty thought they had it. Indeed, the attorney general at one point indicated they did have it; the point was never tested legally because no one was discharged. However, the administration was of the opinion that the faculty did not have tenure. Faculty claims to a new CMDNJ president that they had documents to prove they had tenure could not be supported since the documents could not be found.

Faculty consultation on promotions was spotty. There were no committees. Most recommendations emanated directly from department chairmen, although some consultation with department members did take place. One administrator recently stated that CMDNJ, under by-laws approved in 1974, is just now developing the kind of peer judgment process existent in many other institutions long ago.

Faculty involvement in other policy decisions was also limited. Political decisions which located one campus in an urban-renewal area in Newark severed the Rutgers Medical School from Rutgers University and increased enrollment in the medical school were particularly bothersome to the faculty and made them aware of their lack of power. In fact, it was the battle over the merger that formed the faculty at the Rutgers Medical School into a cohesive unit.

At Newark, and particularly Jersey City, faculty involvement in curriculum changes was also spotty. One AAUP leader felt that one of the crowning blows occurred when the administration attempted to compress the dental program from four years to three without significant faculty input. The faculty were also sensitive to the possibility of community involvement in curriculum matters. One faculty member commented that because of its location in a blighted urban area the community takes almost a "pathological interest" in the institution.[10] Many of the faculty interviewed thought that the administration was sensitive to external political and community pressures to the exclusion of faculty concerns.

Disputes over the design and utilization of new facilities in Newark have also been a basis of contention. In short, the rapid growth of CMDNJ in response to the high priority placed on the growth of medical education by the State of New Jersey created significant strain on the internal administration as it attempted to balance internal and external demands. The absence of a faculty personnel system and faculty governance mechanisms served to reinforce the stresses and strains inherent in such rapid change.

The style of management used to handle the changes was highly criticized by the faculty. In fact, a number of faculty felt that a more "benign" leadership would have staved off unionism. However, in the absence of consistent procedures there was widespread mistrust of the administration. Economic deprivation was not widely mentioned as a cause of unionism. But the faculty perceived that favoritism was practiced in respect to promotions and merit increases. In addition, there was a general feeling that there was no recourse in instances where faculty perceived they were being treated unfairly.

The first faculty response to these problems was to press for a governance system. Discussion began in the 1968-69 academic year and an interim governance system started the next year. Two years before the onset of negotiations, the Faculty Organization was put into operation. It was no secret, and this was confirmed by members of the administration, that the push for this organization had been in response to the perceived autocratic style of the Newark dean. Before the establishment of this organization, an executive committee comprised of the department chairmen advised the dean. (The department chairmen were appointed by the dean, with uneven faculty consultation in this respect an oft-stated faculty grievance.)

The Faculty Organization provided for faculty participation on an extensive range of issues. Also important, is the fact that it provided for a mechanism for hearing faculty grievances on personnel decisions. In reviewing the first three years of operation of the Faculty Organization (including the interim Faculty Organization), the first president of the organization expressed the opinion that through the Faculty Organization, the faculty had played a "...key role in unification and reorganization of medical education for New Jersey under new leadership; implementation of building plans and passage of the bond issue for a permanent campus in Newark; establishment of a board of concerned citizens; and development of faculty practice. Attention is now being focused on collegewide by-laws, establishment of proper faculty grievance procedures, modernization of curriculum including special programs for disadvantaged students and an improvement in hospital facilities."11

There were others who doubted the effectiveness of the new governance system and felt that the dean had played into the hands of the AAUP by ignoring much of the work of the Faculty Organization. There were complaints that the grievance mechanism had not operated properly because complaints sat on the dean's desk for many, many months. The problem of unresolved grievances was an important one, particularly to the AAUP leadership. Unlike the situation at the Rutgers Medical School and Rutgers University, most of the AAUP leadership derived from individuals who had personal grievances against the administration. In fact, the resolution of open grievances continued to be an important factor in negotiations for the first contract.

The recognition process at CMDNJ can be distinguished from that at Rutgers University in another respect--the administrative response to the campaign. Under some pressure from the Board of Trustees, a new president did oppose the AAUP drive. There were no printed documents circulated by the administration; the effort consisted primarily of informal conversations with the faculty, particularly the basic scientists who were perceived as having a greater tendency to unionize. The prime argument used was "The administration is new, give us a year to perform."[12]

But the discontent was too deep. The new leadership in a short period of time could not overcome the distrust and grievances generated by a nonexistent faculty personnel system, limited faculty participation, and a perceived arbitrary leadership style. These factors, operating in a context of rapid institutional change, explain in large measure why the CMDNJ faculty were ripe to be influenced by bargaining experiences at Rutgers University which were perceived to be favorable.

NOTES

1. Chapter 102, Laws of New Jersey 1970.

2. CMDNJ Academic Staff Appointment Analysis, Report No. 76-1, 1 July 1976.

3. Excerpts from State of New Jersey Assembly Bill No. 1059, introduced 4 May 1970.

4. In the matter of College of Medicine and Dentistry of New Jersey, Chapter of the AAUP, Certification of Representative, Docket No. RO-404, 13 June 1972.

5. Interview with AAUP officer, 25 June 1973.

6. AAUP Newsletter, New Jersey College of Medicine and Dentistry Chapter, vol. 2, Issue no. 1, 11 November 1971.

7. Interview with AAUP officer, 26 June 1973.

8. Letter from President of CMDNJ to President of CMDNJ AAUP Chapter, 27 January 1972.

9. Interview with AAUP officer, 25 June 1973.

10. Ibid.

11. Letter to Faculty, New Jersey Medical School from president of Faculty Organization, 23 June 1972.

12. Interview with member of administration, 16 May 1974.

THE NEW JERSEY COUNTY COLLEGES

Until the mid-sixties, there were no public, two-year colleges in the state of New Jersey. But as part of its recommendations for increasing educational opportunities for New Jersey residents, a study commission called for the establishment of an extensive two-year college network. In 1962 the legislature responded by setting up the following procedure by which county community colleges could be established:

> When the board of chosen freeholders of one or more counties, after study and investigation, shall deem it admissible for such county or counties to establish a county college, such board or boards of county freeholders may petition the board of higher education for permission to establish and

> operate a county college. A report shall be attached to such petition and shall include information on the higher educational needs of the county or counties, a description of the proposed county college, the proposed curriculum, an estimate of the cost of establishing and maintaining such a county college, and any other information or data deemed pertinent.[1]

In the period from 1966 when the first two-year college opened, to 1975, sixteen county colleges were established,[2] providing educational programs for 40,950 full-time and 49,632 part-time students[3] and employing (in 1974) approximately 1800 full-time faculty.[4] In addition to full-time faculty, many adjunct faculty were also employed on a part-time basis.

Like other public institutions of higher education, the county colleges are under the jurisdiction of the Board of Higher Education, but they retain substantial ties to county government as well, which in essence make them more independent of state control. The county governments exert influence on college policy through the budget process and by making the appointments to the boards of trustees of the colleges. However, a 1971 court case determined that the community colleges were not agencies of county government. The state supreme court ruled that the non-academic staff members of the county colleges were not subject to the state civil service system as adopted by the counties.[5]

Recent county government reorganization in some counties has made possible attempts by county government officials to take over greater control of the county colleges' day-to-day operations. In Mercer County such an attempt was taken to court by the Mercer County College officials. The issue is still unresolved.

The State Department of Higher Education exerts policy influence through the Council of Community Colleges which is comprised of the college presidents and chairpersons of the colleges' boards of trustees and members of the Department of Higher Education. The department's Office of Community College Programs employed six professionals in 1973.[6] The state also provides funds to the two-year colleges on an annual basis, a factor which has created tension in recent years as the state's share of costs has declined. The state's contribution was set at $600 per full-time equivalent student in 1966, approximately 50 percent of the cost of educating a student in that year. Since the state has not increased its contribution per student, inflation has reduced the state's share of educating each student to approximately one-third of the cost. However, growing enrollments have increased the state's annual investment in instruction in the community colleges from $20 million in 1970-71 to $32 million in 1976.[7]

All of the sixteen public county colleges in New Jersey have recognized faculty organizations as the exclusive representatives of the faculties. Initially, the faculties in thirteen of the colleges were loosely aligned with the New Jersey Education Association. The American Federation of Teachers organized one institution and one faculty choose to remain an independent unit. The American Association of University Professors, with the exception of one institution which it successfully organized, was not a contending organization in the other New Jersey county colleges. Subsequent to initial organization, three of the colleges which had been aligned with NJEA changed their affiliation to AFT. The college faculty who initially choose to remain independent has affiliated with NJEA. Currently (1976) eleven are affiliated with NJEA, four with AFT, and one with the AAUP.

All the colleges were organized following the passage of legislation late in 1968. However, in considering the reasons for organizing it is helpful to divide the colleges into three groups: 1) those which began operating prior to the passage of legislation enabling organization for collective bargaining, 2) those which began operations in the same year as the legislation was implemented, and 3) those beginning after the 1968-69 academic year.

Five of the colleges were already in operation when the legislation was passed enabling organization for collective bargaining. Of these, four were organized during the first year of the law's existence; the other was organized the next year.

Six colleges began operations in the 1968-69 academic year, the first year of the law's existence. Of these, four were organized the year they opened. One of the remaining two institutions was organized in 1971, and the last one of this group was organized in 1974.

Five institutions began operations in the 1969-70 academic year or later. All of these institutions have been organized for bargaining purposes; the final one, having concluded negotiations, signed its first agreement in 1976.

The Case of the Community Colleges[8]

As might be expected, while there were many similarities in the pattern of organization at the community colleges, there were important differences among the three groups of institutions described above. The discussion of the factors leading faculty members to embrace the collective bargaining process will deal first with that group of five county colleges which began operations prior to 1968. Differences between this group and others will be reported at a later point.

While it is true that collective bargaining in New Jersey's county colleges occurred after passage of enabling legislature, a number of other factors, internal and external to the colleges, were found to be important. Of particular significance among the several factors alluded to as being responsible for the precipitation of bargaining at the five established colleges, was a management style perceived by the faculties as not allowing for significant faculty participation in decision-making in areas directly related to their professional responsibilities. In addition to this perception, the faculty also felt that administration decisions were often arbitrary. This perception was found among the faculty at all five colleges despite the existence of committees or college assemblies in these colleges.

No doubt the failure of the existing governance mechanisms (committees or assemblies) can be attributed in some measure to the fact that, given the relatively short history of the county colleges (the oldest was opened in 1966), there had not been sufficient time in which to develop a tradition of faculty participation through these traditional governance mechanisms. But the context of a new, rapidly expanding county college system was in large measure responsible for the ineffective advisory role to which faculties were relegated.

The administrations of the new colleges were subject to significant external pressures in starting up the new institutions. The county government, particularly, exercised a major influence in the planning stages of the colleges. The procedures established by the 1962 enabling legislation required the county freeholders (governing body) to petition the state agency responsible for higher education for permission to establish a county community college. Part of the information required was a statement of proposed curriculum. While the curriculum did not have to be spelled out in exact detail, it can be concluded that general decisions about the missions of the colleges had been made.

The time interval between the approval to establish a county college and its actual opening date was generally between three and five years. Most of the specific planning--the design, the curriculum, decisions about quality and quantity of staff--was done by the president and his administration, within the guidelines set down by the board of higher education (or its predecessor) and the board of trustees of the colleges (which had been appointed by county government). In every case except one, the administration had been involved in planning for at least one year prior to the opening of the college and the arrival of the faculty. Thus, the decision-making procedures had been established and in operation for some time prior to the entry of faculty and students. The addition of faculty and students introduced a great deal of uncertainty into an already ongoing system. Even though committees or assemblies were set up to provide for faculty input into the decision-making process, it was a consistent perception of the faculty interviewed that they were not able to have any significant impact on the decisions that were made.

These experiences were in direct conflict with their expectations about the faculty role in higher education. For those who had come from the public school system, it was as if the high school style of administration had been extended to cover the next two years of education as well.

To some extent, the degree of faculty involvement in decision making is related to external demands. In the eyes of the faculty, the administrations did not do an adequate job of balancing the external county and state pressures against internal pressure for faculty participation. To the administration, the need for timely responses to external demands led to centralized decision making rather than reliance on frequently slow and laborious faculty governance mechanisms.

However, in seeking to account for the failure of traditional governance mechanisms, it is important to note the close association of this failure with the faculty perception that they did not have a significant impact on the decisions being made in the college related to their professional tasks. This perception, combined with the expectation and desire to have some say on these issues, was influential in making the faculty receptive to the idea of collective bargaining.

Another oft-stated factor which caused the faculties to be favorably disposed towards collective bargaining was dissatisfaction with the general level of economic benefits, particularly salary. At one institution, for example, an informal faculty committee was instrumental in obtaining a better than 10 percent increase in salary immediately prior to organization. Moreover, most of the initial contracts dealt in a major way with salary matters. Another often-expressed faculty dissatisfaction dealt with salary inequities among individual faculty members--inequities which were perceived to stem from the annual contract negotiations conducted on an individual basis.

The factors discussed above provided an opportune climate for collective bargaining. After the legislation providing collective bargaining rights was passed, the organizing activities of the New Jersey Education Association (NJEA) and the American Federation of Teachers (AFT) focused on faculty dissatisfactions.[9] It should be pointed out, moreover, that collective bargaining was a subject that was not foreign to many of the faculty as they had previous experience with or knowledge of bargaining activities at the elementary or secondary school level. This familiarity was of major importance in facilitating the organization of the county colleges. Indeed, one faculty member whose initial teaching experience was gained in the Philadelphia school system subsequently became a key faculty organization leader and chief negotiator in the first round of negotiations. Overall, the transition to bargaining at most institutions was an easy one, unfettered with dicussions about the "unprofessional" consequences of bargaining.

In sum, the colleges established prior to 1968 were organized in large measure as a result of faculty dissatisfaction with authoritarian leadership patterns, ineffective or non-existent participation in governance, and with economic inequities. The external influences (the legislation granting collective bargaining rights, the organizing activities of the AFT and NJEA) primarily operated to reinforce faculty dissatisfaction with the working environment as well as the search for mechanisms for redress.

It is of interest to note that faculties and administrators at these colleges were, for the most part, in agreement concerning the reasons that the faculty initiated collective bargaining activities. However, marked differences occurred as to the weights assigned by the faculties and administration to the internal and external factors. Administrators tended to perceive the external factors (legislation and AFT or NEA organizing activities) as being more significant than the internal factors (dissatisfaction with governance or benefits). The administrators' failure to accept the validity of faculty attitudes and beliefs no doubt led them to conclude that collective bargaining was an inevitable and intended consequence of collective bargaining legislation.

The major difference between the colleges established before 1968 and the second group of colleges established in 1968 was the fact that the faculties in the latter group were without substantial opportunity to experience dissatisfaction with participation in college governance or with extensive administration authoritarianism since bargaining occurred in most instances in the first year of operation. The faculties were generally knowledgeable, however, of the leadership style which was characteristic of two-year colleges in New Jersey. Of greater significance at these institutions were the external factors. Legislation permitting faculty organization signaled the possibility of collective bargaining. In fact it was the recollection of some faculty interviewed that the passage of legislation concerning collective bargaining constrained them to form collective bargaining units in order to have talks with the administration concerning terms and conditions of employment. Moreover, AFT and NJEA encouragement toward organization, reinforced by faculty understandings of how two-year schools were usually operated, influenced the faculty to organize.

For the most part, the organization process at most colleges, although not strenuously resisted, was seldom encouraged by the administrations. Interestingly, however, outright administrative encouragement was an important contributing factor to faculty organization at one of the second group of colleges. It is also interesting to note that it was one of these institutions, which had no significant administrative history, which was the first county college in New Jersey to organize.

While faculty dissatisfaction in a number of areas led to the organization of fourteen two-year colleges by 1973, the reasons that one of the county colleges remained unorganized for five years provided an illuminating contrast (the other college was just beginning operation in 1973). The basic factors involved in this were the composition of the faculty, quick response on the part of the president to developing problems, fear of reprisals among faculty who were not yet tenured, and a board of trustees whose annual compensation packages were relatively better than most of the other county colleges.

About one-half of the faculty, at the time of the college's opening, consisted of individuals who had left another county college in protest over the organization of that college's faculty for collective bargaining. This meant that there was active opposition to the notion of collective bargaining. The active opposition also meant that the president had persons who would communicate to him dissatisfactions among the faculty including the names of those most vocal in their dissatisfactions. It was not until the fourth year when tenure was conferred on a number of faculty that a greater degree of security was felt among faculty and a greater push began among the faculty to consider alternatives to the current mode of participation in decision-making. It was in the next year when the proportion of faculty tenured became a majority rather than a minority that the faculty voted to organize for collective bargaining. A basic issue motivating faculty to make this decision was their dissatisfaction with faculty participation in governance.

In summary, what can be said about the forces leading to the establishment of faculty unionism in the community colleges? Certainly, it is no coincidence that the organization of the two-year colleges in New Jersey and in other states occurred immediately following the passage of the enabling legislation. However, a number of other internal and and external forces led to faculty bargaining in New Jersey's county colleges. Economic benefits were important, particularly if subsequent contracts were any indication. But of major significance in New Jersey was the sense of faculty powerlessness generated by the unilateral decision making of the administration, which was often perceived by the faculties as being arbitrary as well. Collective bargaining was seen as a means of enhancing faculty participation in a wide range of decisions, including collegial participation in personnel decisions.

An earlier study by Corwin found that collective bargaining in elementary and secondary schools emerged, in part, from the drive of teachers toward professionalism.[10] The findings of this study suggest that the expansion of collective bargaining into the two-year colleges is also a product of the desire of faculty for professional autonomy.

Notes

1. New Jersey Laws Chapter 18A: 64 A-Z

2. One two-year college which started as a private college in 1933, and has recently become, along with a technical school, the institution through which that particular county carries out its obligation for two-year, post-secondary education will not be considered in this discussion.

3. N.J. Department of Higher Education, D.H.E. Data Briefs, No. 13, December, 1975.

4. N.J. Department of Higher Education, D.H.E. publication, Table 1C, 1974 Summary of 9-10 month and Total Faculty at New Jersey Colleges and Universities, by Academic Rank.

5. Atlantic Community College V. Civil Service Commission, 59 N.J. 102, 279 S 2d 820 (1971).

6. Organization Chart, Department of Higher Education, July 1, 1973.

7. Budget Recommendations FY 1976-77, State of New Jersey, Board of Higher Education, p. 10.

8. Much of this discussion is an expanded version of James P. Begin and Stephen Browne, "The Emergence of Faculty Bargaining in New Jersey," Community and Junior College Journal, Vol. 44, No. 1 (December/January 1974), pp. 18-19.

9. Initially, except for one college, there was little union competition. Most bargaining agents were local faculty associations only loosely aligned with the NJEA. At the remaining colleges, faculty preference for a more militant representative was felt to be responsible for producing a close election, in which the AFT was the victor.

10. Ronald G. Corwin, Militant Professionalism (New York: Appleton-Century-Crofts, 1970).

MONMOUTH COLLEGE

Monmouth College is a private, four-year college located in West Long Branch, New Jersey. Its origins go back to 1933, when it was opened as one of six, two-year, emergency junior colleges established by the New Jersey Emergency Relief Administration to provide employment for teachers out of work and free training for young adults who were also out of work. In 1956 it was a small evening college (there were 30 faculty members, 550 full-time and 926 part-time students)[1] with classes meeting at the Long Branch High School. In that year the Shadow Lawn campus, a former estate, was obtained and an application to become primarily a four-year day college was made to the New Jersey State Board of Education. Starting in the fall of 1957, Monmouth College was authorized to begin a four-year course of study and to confer the Bachelor of Arts and Bachelor of Sciences degrees. Then in 1967 the college was permitted to offer graduate instruction and confer the M.A. in Teaching and the M.S. in each of the following subjects: education, electronic engineering, and physics. At the time of unionization in 1971, the college had approximately 6,000 students and 200 full-time faculty.

The shift from a two-year, open enrollment college to a four-year college with some graduate programs was accompanied by a growth in the faculty and student body as well as in problems of decision making during a period of rapid change. As noted above, the college experienced growth and diversification during this period of time (1956-1971). The full-time faculty grew from 30 to 200, the full-time student population grew from 550 in 1956 to approximately 6,000 (undergraduates and graduates). A basic impact of this kind of growth was felt in relation to the physical arrangement of the faculty. When the faculty was small, communication was relatively easy because all were located in the same place. However, as the faculty grew and became dispersed across the campus, difficulties in communication arose and were part of the context in which the movement for collective bargaining arose.

During most of this period of change the administration was led by Dr. William Van Note, president from 1962 to 1971. It was during his administration that events took place which led a small group of faculty to organize into a faculty association in June 1969. The intent of this group was to establish faculty participation in the college's decision-making processes through a collective bargaining relationship with the college.

An interesting historical feature of the unionization of the Monmouth faculty was that the move toward bargaining was initiated over a year before the National Labor Relations Board (NLRB) on 3 December 1970, "announced in the Federal Register that it would assert jurisdiction in labor cases involving any private nonprofit college or university which has a gross national revenue of $1 million for operating expenses." [2] With the help of the New Jersey Education Association (NJEA), the first avenue used by the faculty to seek collective bargaining rights was through the New Jersey court system. The faculty proceeded under the precedent in New Jersey in which the courts had previously interpreted the New Jersey constitution as permitting bargaining in private organizations even though there was no specific labor legislation.[3] By this route the faculty were able to obtain on 5 November 1970 a court order directed at President Van Note and the college's board of trustees requiring that the administration of the college show cause why they should not 1) recognize the right of the faculty to organize and select for themselves a representative for the purposes of collective bargaining, and 2) begin bargaining immediately with the Faculty Association of Monmouth College (FAMCO) which already counted over 50 percent of the faculty as members.

But before the issue was to be decided in court, the NLRB informed the court and the parties that it was considering the petition filed much earlier by the administration. In late December 1970, the Monmouth College administration agreed to an election date, 4 February 1971, to determine whether or not the Faculty Association of Monmouth College (FAMCO) would be the exclusive bargaining agent for the faculty. On that date Monmouth College became the first private college under the jurisdiction of the NLRB to have a faculty opt for collective bargaining. FAMCO received 118 votes while the "no union" alternative received 81 votes. Out of a total of 204 faculty members, 199 voted.[4]

The bargaining unit consisted of all professors, associate professors, assistant professors, instructors, and professional librarians. Department chairpersons were excluded by mutual agreement between the parties, with faculty consent coming in order to speed up the election process.

The Case of Monmouth College

As noted above, the basic thrust towards bargaining took place during the rapid growth and change experienced during the administration of President Van Note. However, the college had already begun to experience rapid growth under his predecessor, Edward G. Schlaefer, in response to the increased demand for higher education opportunities in the State of New Jersey. Faculty perceptions of President Schlaefer were mixed. Some faculty perceived him as quite autocratic and rigid and formed a committee in an attempt to have him removed from his office. Others, while not denying his autocratic ways, perceived him as sensitive to faculty feelings and opinions. One of the faculty members who held this latter perspective was later to become a leader in the faculty movement to organize for collective bargaining. A significant aspect of his motivation to participate in this movement was the difference he perceived between President Schlaefer and President Van Note in their sensitivity to and regard for faculty opinion. This difference may be attributed in part to the greater size and complexity of the college under Dr. Van Note and thus the use of more formal procedures and regulations for coordinating the efforts of faculty and administration.

Under President Schlaefer, Monmouth College began its movement from a two-year evening college to a four-year liberal arts college. A basic part of this movement was the upgrading of admission standards. The perception of the faculty that there was considerable faculty participation in the making and application of this and other decisions is understandable, given the small size of the faculty at that time.

This perception was to change, however, under Dr. Van Note, partly because of the rapid growth of the college and the more widely dispersed location of the increased numbers of faculty. But many faculty also felt that participation of faculty declined because of the unwillingness of President Van Note to recognize and strengthen the traditionally legitimate means of faculty input to higher education decision-making processes--local chapters of the AAUP and college or university senates.

Dr. Van Note was no stranger to Monmouth College. He served as a member of the Middle States Accrediting Team that visited Monmouth College in 1958-1959. This team recommended even broader faculty involvement in the college's decision-making processes. It is likely that Dr. Van Note came to the college with this recommendation in mind. There were other concerns of his, however, that would create problems with the faculty. Primary among these was the upgrading of faculty quality. Dr. Van Note sought to implement this goal through a change in the reward system. During President Schlaefer's term of office there was a salary schedule similar to the kind used in the public school system. Based upon this schedule a faculty member received an increment each year based on the fact that another year of teaching had been completed and the person was rehired. Compensation was not tied to merit at all. When Dr. Van Note took office there was a "prescriptive salary schedule with regular intervals" and "most of the faculty were on a fifty-two week salary schedule with summer session and a paid vacation period included."[4]

The compensation system became a major issue immediately and remained a major issue throughout Dr. Van Note's term of office. There were other issues as well, grievance procedures, participation in academic decision making, and the building program, which served as foci for the campaign to get faculty to vote for collective bargaining on the Monmouth Campus. FAMCO members wrote and distributed a series of "White Papers" on these issues during the campaign.*

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*Use is made of these papers in reconstructing some of the events leading to collective bargaining. It must be remembered that these papers were written not only as recollections of the history of faculty-administrative relationships but also as an attempt to influence current faculty perception of these relationships and to emphasize the need for collective bargaining.

Compensation System

In late 1962, an ad hoc committee of the faculty was appointed to study and make recommendations about the problems of moving from a fifty-two week compensation arrangement to one which would separate the fifty-two weeks into two parts-- one part encompassing the two semesters of a regular academic year, the other encompassing the summer session. The report of this committee included a proposal that there be

> ...a three-year transition plan under which the faculty would be able to weather the change without financial detriment, while the college would be given an extended period in which to make its own financial adjustments. Proposals for new sources of revenue also were part of the report.[5]

However, the administration did not like the timing of the faculty recommendation. Instead

> The administration pressed for the acceptance of its own formula, and at a general faculty meeting held on the last day of February, 1963, in which President Van Note led much of the discussion, the faculty voted overwhelmingly to reject the administration's proposal.[6]

On the following day President Van Note in a memo to the faculty indicated that he would be away for a considerable period of time (this was perceived by the faculty as a ruse to enable the president to be away from the college during the time contracts were sent out to the faculty.) He did promise upon his return that,

> ...I shall address myself to the problems of a possible alternate formula for faculty salaries. In addition to staff discussion, I shall talk with some individuals, groups, department heads, and will hold at least one general faculty meeting.[7]

Faculty comment on this was:

> But no such consultation and certainly no general faculty meeting took place on the subject, so far as our record seem to us to indicate, other methods for computing faculty salaries upon an individual basis became the rule. In addition, the sick-leave policy and the promise of guaranteed summer school employment now vanished from the printed announcements concerning the faculty which the administration continued to issue.[8]

The change from faculty salaries based on a salary schedule to faculty salaries computed on an individual basis did not immediately upset many of the faculty since the increases appeared to be even more generous than the increases under the salary schedule. However, they soon discovered by talking among themselves that some members were not getting any increases, while others were getting substantial increases. And the perception of many of the faculty came to be that merit increases were based primarily on the faculty member's attitude toward the administration, with supporters of administration policy getting substantial raises and nonsupporters getting less substantial or no raises. (In the view of the FAMCO leadership, this perception was confirmed, with a few exceptions, when the faculty association finally obtained salary data from the administration under NLRB regulations.)

A FAMCO white paper continues the compensation story.

> In the late spring of 1966 faculty dissatisfaction with the administration's methods for computing salaries upon an individual basis led, in the general faculty meeting of May 12, 1966, to the election of a committee of five, to be known as the Ad Hoc Faculty Committee on Compensation, to study faculty compensation and, at the first fall meeting to submit recommendations, including a prescriptive salary schedule, for the consideration of the faculty and the administration.[9]

> The first sentence of this committee's report stated:
>
> The fact that the faculty voted this committee into being is evidence that the faculty believes that a study of faculty compensation is indicated if, for no other reason, at least to dispel the atmosphere of mystery surrounding the policy of the administration in this area.[10]

This report was accepted by the faculty at their meeting of 9 October 1966. The faculty also urged the president to adopt the recommendations of the report.

> In addition, an amendment was carried which provided for the establishment of an annual "Faculty Salary and Fringe Benefits Review Board," consisting of five faculty members, which was to "meet each year with the Vice President of Academic Affairs, the Vice President of Business Affairs, and the Dean of Faculty, when the college budget for the following year is being formulated, to review the existing salary schedule and fringe benefit plans as to any necessary changes . . . ."
>
> The October 19 meeting also reelected the committee in order that it might carry on negotiations with the administration, and on December 13, 1966, the Dean of Faculty sanctioned the committee's existence--a step required by the faculty by-laws.
>
> The ensuing discussions between the committee and representatives of the administration dragged on through the winter of 1966-1967. From the committee's viewpoint (and therefore the faculty's) these meetings were altogether fruitless. The mists of time have obscured the remembrance of the precise content of the views exchanged, of promises made

and broken, of continuing frustration on the one hand and evasion upon the other. But the minutes of the general faculty meeting of March 16, 1967, have preserved enough to demonstrate conclusively what the role of the faculty of Monmouth College has been in the determination of faculty compensation. The minutes report that upon the recommendation of the chairman of the Ad Hoc Faculty Committee on Compensation the faculty accepted this resolution:

> ...The work of the Faculty Compensation Committee...was seriously impeded by its inability to obtain from the Administrative officers of the College, sufficient financial information. In spite of indications contained in Dean Holt's memorandum to the Committee of November 14, 1966, no prescriptive salary schedule has been instituted. In the areas which were presented for administrative action, inadequate and sometimes misleading responses were given. The Committee therefore recommends that no future Compensation Committee be constituted unless it has the assurance that it will have such access to the full financial statements of the College as may in the Committee's judgment be required for its proper functioning, and that it will be received by the Administration with trust and respect.[11]

The failure of faculty to resolve to their satisfaction the issue of participation in decisions relative to the nature and the content of the compensation system at Monmouth College, combined with their observation of the amount of money being spent on buildings, made this issue one of great importance in the campaign to bring collective bargaining to Monmouth College.

Admissions Policy

At the same time Monmouth College was granted the right to become a four-year college (1956), it was mandated and funded by the state to continue to offer the two-year Associate of Arts degree in Monmouth County. However, the emphasis was placed on the four-year degree and on recruiting a different kind of student population which would raise the quality of education at the college. In 1963 a decision was made to institute two standards of admission, one consistent with already existing minimum standards, another higher standard of admission to attract students with higher college board scores and better secondary records. This decision was perceived by many faculty as detrimental to the attempts to raise the quality of education at Monmouth. Later, in the heat of the fight for recognition as the bargaining agent, this event was interpreted by the president of FAMCO as "in some cases...well intentioned but mistaken attempts to help the disadvantaged; in others, they are cynical and irresponsible attempts to cash in on a cruel piece of educational chicanery."[12] The administration believed (a belief that was later supported by the achievement of general education students), however, that given the proper academic advising, limiting class size to 25, and a regular review of academic progress, the students in this special program would compare favorably to the other students in the achievement of their academic goals.

Grievance Procedures

Another area of difficulty in the relationship between the faculty and administration was the development and implementation of adequate due process protection. One of the "white papers" written during the recognition campaign dealt at length with this subject.

The paper begins:

> Grievance machinery and procedure at Monmouth is frighteningly inadequate. Should a faculty member feel aggrieved, he would find himself under the current bylaws at a considerable loss as to what course of action is open to him. The subject of grievance procedure, consequently, offers the investigator little of substance to examine. But what we can point out here is the slow and painful process by which the faculty has managed to consolidate the little that we do have.[13]

That "slow and painful process" involved the faculty in setting up a Faculty Appellate Committee in February 1966, and a Faculty Committee on Tenure in May of the same year. This was the first time either of these committees had been in existance.[14] The establishment of these committees, however, did little to resolve the problems.

Prior to establishing its procedures for operating, the Appellate Committee held initial hearings on a grievance case presented by a colleague who had been discharged from the college. The appellant requested that his contract with the college be honored (that he be paid for the full term of the contract). The case involved falsification of a graduate degree and employment at Monmouth on the basis of that degree. The Appellate Committee agreed with the discharge but felt that the college should pay for the duration of the contract. The board refused to pay any money at all.

Following this incident, the committee drew up and presented procedures to the general faculty (fall of 1966). These procedures were discussed at length and rewritten many times before being adopted by the faculty. These procedures still were quite ambiguous in defining what was grievable and there were no time limits established for the grievance process to reach its final outcome.

> Aware of the shortcomings of these procedures, a Faculty committee worked at a new document, revealed to the Faculty first on February 24, 1967, subsequently remanded to committee, re-presented to the faculty and re-remanded. On February 17, 1969, the document, reexamined, revised, and rewritten, was adopted by the Faculty. "Standards for Faculty Suspension or Dismissal Procedures," the faculty voted, "is to supersede entirely the Faculty Appeal Procedure introduced by the Faculty Appellate Committee and accepted by the General Faculty on December 8, 1966, for inclusion in the faculty bylaws.
>
> Though perhaps serving as unofficial guidelines for the Appellate and Tenure committees and though being approved for adoption in the bylaws by a unanimous vote at the February 17, 1969, Faculty Meeting, these new procedures are nevertheless not now an official part of the Faculty Bylaws. To become so requires an act of the Board of Trustees, and at the present moment, two years after Faculty adoption, no such action has been taken.[15]

Another incident took place in spring of 1970 related to the event of a speech by Maxwell Taylor on the Monmouth College Campus. A faculty member actively involved in protests over his appearance, which became quite disruptive, was ordered by President Van Note to show cause why he should not be dismissed from the college. The general faculty had, a short time before, approved a motion that "no action punitive or otherwise, be taken concerning this incident until after the first meeting of the general faculty in the fall of 1970."[16] President Van Note, responding to demands from the community surrounding the college felt some action on his part was necessary, then went ahead with the above mentioned hearing. The faculty member was continued the following year, but not the next year. Faculty writing in the "white paper" on grievance procedures interpreted President Van Note's action as a "repudiation of the faculty's expressed will.." and suggested that his action

> revealed to faculty and students and public the discomfiture of a college president who had allowed himself to play judge and jury because of his refusal to utilize what little due process the administration of Monmouth College has permitted to be incorporated in its faculty bylaws.[17]

Graduate Program

The decision to implement a graduate program at Monmouth College in the 1967-68 academic year is cited in a FAMCO "white paper" as another area in which the decision-making processes reflected inadequate faculty participation.[18] During the decision-making process, the only general meetings of the faculty at which this issue was discussed were meetings called at the insistence of faculty members. The procedure used by the administration was that of holding informal and individual conversations with faculty members, department chairmen, and administrative officers.

On this basis decisions were made within the college to request permission and by the New Jersey Department of Education to grant permission for Monmouth College to award degrees of Master of Arts in Teaching, Master of Science in Education, and Master of Science in Electronic Engineering and Physics. The last two mentioned were approved by the faculty in their meeting on 10 May 1966. The graduate program for the teacher education department was not approved by the faculty. This vote came after the decision had already been made by the New Jersey Department of Education. The decision-making process used kept the issue out of a general faculty meeting. This fact was used by the FAMCO leadership in support of their argument for a collective bargaining relationship at Monmouth College which would give the faculty greater participation in decision making.

Building Program

One other factor which became a sensitive issue was the extensive and, in the eyes of faculty members, extravagant building program going on at the same time the compensation of the faculty was receiving little attention. The building program took place during the height of the enrollment growth and reflected the administration's attention to what they perceived to be a critical element in the future stability of the college. With the exception of the consideration that some buildings were "extravagant," the faculty generally agreed with the need to build adequate facilities. The issue was that buildings always seemed to get priority over faculty. Faculty attempts to gain some input to the compensation decisions being made were thwarted. Faculty compensation was not staying level with the increased cost of living. This fact, combined with the building going on, only added to the faculty's sense of frustration over their inability to make any inroads to college decision-making, thus making the faculty responsive to alternative ways of participating in college-wide decision making.

The Campaign

During the 1960s the faculty continued to discuss among themselves what direction they should take in order to make sure they had some input to the decisions affecting their lives as professionals. There were some who felt the most appropriate way was still through traditional means. This group sought the revision of the bylaws to set up a strong senate. Others saw the appearance of faculty collective bargaining as an alternative. Movements in both directions took place concurrently late in the 1960s.

During the 1965-1966 academic year a new professor arrived at Monmouth, who, it turned out, was to be a major figure in the movement of the faculty in the direction of the collective bargaining alternative and the formation of FAMCO. Professor Aaron Schectman had had extensive background with the New Jersey Education Association in the public schools in Newark from 1955 to 1964. He brought these experiences, perceptions, and contacts with him.

In June 1969 twenty-one of the Monmouth faculty met at Professor Schectman's house to discuss the possibilities of developing a faculty association. Fifteen of those faculty had been on the Monmouth Chapter AAUP's salary committee and had seen all their efforts to talk over compensation with the Monmouth administration fail. One of the twenty-one was Professor Warncke who had just heard about the meeting on that day from a colleague in his department. He went there out of curiosity and ended up on the executive committee elected by the group.

The executive committee met weekly throughout the summer. Their meetings served at least two purposes: (1) Two or three different faculty members were invited to each meeting. They were informed about the faculty association and the reasons for its existance, and they were urged to help support it when the fall semester started and the first major meeting was held. (2) These meetings served to solidify the executive committee through their talking and planning about the organization and the development of a program designed to give legitimacy to their organization in the eyes of the faculty.

The date for the first general meeting of the faculty association of Monmouth College was set for 25 September 1969. It was decided that this meeting should be held off campus to enable faculty who had some fears of recrimination by the administration to come to the meeting without being observed by administrators.

The meeting place was the Monmouth Shopping Center Civic Auditorium. The featured speaker was Lewis Applegate, the director of public relations and the registered lobbyist for the New Jersey Education Association.

Ninety-one of approximately 200 faculty attended this first meeting. Besides hearing from Mr. Applegate, the faculty elected a nominating committee to nominate persons for office in the association and also "voted to allow the current executive committee to choose three representatives from the organization at-large to work on a constitution."[19]

In his remarks to the Monmouth faculty, Mr. Applegate mentioned "that court cases involving nonprofit institutions similar to Monmouth College have recognized the right of employees of such institutions to bargain collectively."[20]

The next meeting of the faculty association was held in October 1969. At this meeting officers were elected. Professor Donald Warncke, whose initial involvement bordered on the accidental, was elected to the office of president. He initiated contact with the administration, seeking recognition for FAMCO as the bargaining agent for the faculty. This began what was to be a long drawn out attempt on his part to gain some form of recognition from the administration, an attempt which appeared to be headed for resolution in the court system of New Jersey, and only at the last moment was resolved through the intervention of the NLRB and the action of the college's board of trustees, as noted previously.

The president of FAMCO initiated communication with the president of the college in the fall of 1969, in an attempt to discuss the establishment of a collective bargaining relationship between FAMCO and the college. Professor Warncke was informed by the NLRB in February 1970 that the Monmouth College administration had filed a petition with the regional director asking the NLRB to proceed under its proper authority. This communication process, as it turned out, was to last over a long period of time with the administration never really giving an answer until brought to do so by the informal hearings held by the NLRB in late December 1970.

The faculty perception of the administration's petition to the NLRB was that it was a stall. Since the NLRB had not made the Cornell decision at the time of the petition, since FAMCO leadership had not heard anything further from the NLRB, and since they wished to have some input on terms and conditions of employment as soon as possible, the provisions in the New Jersey State Constitution were being explored by lawyers from a law firm hired by NJEA/ANJCUP (Association of New Jersey State College and University Professors).

In the 12 October 1970 issue of Facts From FAMCO the faculty were told:

> William Hayward, Coordinator of Higher Education for NJEA/ANJCUP, reported that it may be several months before the NLRB reaches a decision regarding the eligibility of the Faculty Association of Monmouth College and the College itself to be subsumed under the regulations of the Board. In order to expedite matters Mr. Hayward had written a detailed letter to Dale Otto, President of the Board of Trustees of Monmouth College. In this letter he expressed the wishes of FAMCO's executive committee and those of NJEA/ANJCUP to avoid costly and complex problems by delaying the initiation of negotiations. Mr. Hayward set October 8th as a deadline in order to indicate the serious intentions of FAMCO. If we have not heard by that time that the Board of Trustees was willing to sit down to "informal" discussions,court proceedings would be initiated by FAMCO and its agents.
>
> On the afternoon of October 7, 1970, Donald Warncke reported that it was his understanding that Dale Otto had informed Mr. Hayward that the Board of Trustees would meet on October 8 to decide that

very question. Mr. Hayward was requested to call Mr. Otto at 9:30 Thursday evening, October 8.

"Don't call me, I won't be there" was the substance of a hurried call by Dale Otto to Mr. Hayward on the morning of October 8. Something had come up to convince Mr. Otto that beginning talks with the faculty was less important than other considerations.

It was decided at the meeting on October 8 that FAMCO would wait until Tuesday, October 13, 1970 for a reply to our request and, if none was forthcoming, we would then go to court.

A motion unanimously approved by the membership of the October 8 meeting is given in its entirety below:

> ...FAMCO pursue recognition by the Board of Trustees for the purpose of collective bargaining under the provisions of Article 1, Paragraph 19 of the Constitution of the State of New Jersey:
>
> "Persons in private employment shall have the right to organize and bargain collectively." 21

On 2 November 1970 the faculty were informed that "William Hayward has announced that an attorney has been engaged to represent FAMCO in pressing our constitutional rights before the New Jersey courts. William Greenberg of the Trenton firm of Greenberg and Stearns will prepare our case."22

On 5 November 1970, "Superior Court Judge Francis X. Crahay in Monmouth County ordered... that representatives of Monmouth College in

West Long Branch appear before him December 4 to show cause why the college should not be ordered to begin collective bargaining with a union representing its faculty members."23 On the date of return, the court, being informed that the NLRB was considering the Monmouth case, put aside the show cause order and told the parties to wait for the NLRB decision.

In a letter to the faculty from President Van Note (dated 28 December 1970) the faculty were informed that:

> Last Tuesday, December 22, at an informal hearing before the National Labor Relations Board Monmouth College consented to an election which will determine whether a majority of our full-time faculty choose to be represented by FAMCO. This is an historic event since it represents the first time a private college afforded to its faculty an opportunity to vote in a secret ballot election conducted by the National Labor Relations Board.
>
> We are pleased to announce that the National Labor Relations Board has assumed jurisdiction and that it will supervise a secret ballot election.
>
> The college could have delayed this matter. However, we suggested the following arrangement for an election to be held on the campus in order to give you an early opportunity to express your wishes:
>
> | | |
> |---|---|
> | Eligible to Vote: | All Professors, Associate Professors, assistant Professors, instructors and professional librarians. |
> | Date of Election: | February 4, 1971 |

Time of Election: 9:30 a.m. to 11:30 a.m.
and 2:00 p.m. to 4:00 p.m.

Place of Election: Versailles Room of Woodrow Wilson Hall[24]

With this same letter, the administration also began its campaign to defeat FAMCO. It continues:

> As most of you know, FAMCO sought to become the exclusive bargaining representative of the college faculty without an election. The College, doubting FAMCO's majority status, denied the request and insisted that the matter be resolved through the orderly procedures of the National Labor Relations Board.
>
> The college does not believe that it is to your best interests to be represented by a union and that upon sober and rational reflection you will agree that no union is needed at Monmouth College. At a later date the college will submit to you information in support of this position.[25]

Two more letters came from the president of the college on 19 January and 29 January, 1971; letters from the Director of Personnel Services and a letter from the Associate Dean of Faculty were also sent. It was felt that the letters from the president actually gained faculty support for collective bargaining, given the faculty's general negative perception of the president.

The approach which had the most success, if any did at all, was the one recognizing that President Van Note was retiring from Monmouth and a new president was coming. The group of faculty who had supported the adoption of new bylaws setting up a changed governance structure had seen the adoption of new bylaws in 1970.

Letters were sent by two different faculty members, one emphasizing that in the event FAMCO fails, the new bylaws present a means of regrouping and reunifying the campus, the other emphasizing the coming change in presidents:

> A NO vote on FAMCO is a vote FOR THE FUTURE
>
> A YES vote on FAMCO is merely a spite vote AGAINST THE PAST
>
> VOTE NO, but in any event, vote! [26]

The president of FAMCO sent out two letters to the faculty urging them to vote for FAMCO, and he summarized his perceptions of why they should in this way:

> The years have shown that faculty committees and meetings -- however fancy their name and composition -- cannot successfully argue a case against the power structure of the College. The College is legally owned by the Board of Trustees and, while they can rescind or neglect any agreement they make with any committee they create, they can not bind their successors to any agreement they make with such a committee, not even if it bears the august name of Senate. Nor can we expect our needs and problems to receive attention when all lines of communication within the college are lines of command from the Board of Trustees DOWN through the President DOWN through his subordinates DOWN through the chairmen DOWN, at last, to the professor at the bottom of the hierarchical heap. These proper channels expressed so appropriately by the naive boxes of organizational charts are intended to suppress rather than to encourage the circulation of information and ideas. (See "Communication Patterns in Task Oriented Groups" in the Policy Sciences, Stanford University Press, 1957), (or Robert

> Townsend's "Up the Organization" for a successful business man's expression of the same ideas). As professional, educated people, how can we accept these remnants of the organizational forms of ancient armies and medieval kingdoms? We can not change them from within. But our society has provided the means by which we can change them from without. Through our own independent, professional association, we can use the right of employees to negotiate, to by pass the wheezing antiquities of the structure of Monmouth College.[27]

On 4 February 1971, the faculty of Monmouth College became the first faculty in a private four-year institution of higher education to vote in favor of a collective bargaining relationship in an election subervised by NLRB. The vote: FAMCO, 118; "No Union", 81. All but five faculty voted. The AAUP did not intervene in the election. Although the AAUP had a fairly strong chapter at the college during 1958-59, its membership strength had declined because of the criticism of its activities by President Schlaefer and the continued negative perception of the AAUP by Dr. Van Note. Therefore, when the faculty decided to organize, they came to the conclusion that a new organization with ties to NJEA would be more effective.

In sum, the administration's attempts to expand the college's size and programs and to improve the quality of the faculty were carried out in a context in which it was not deemed feasible always to involve the faculty in the college decision-making processes. The faculty's perception that they had an insignificant decision-making role was consistent with the approach taken by the administration. However, the faculty disagreed with the determination that the nature and degree of faculty participation in college decision-making should be left up to the administration. Their frequent attempts to gain input through traditional collegial means were met by resistance from the

Administration and resulted in an extreme sense of frustration among many of the faculty. This created a willingness among the faculty to seek other alternatives to participation in decision making, an alternative which could not be resisted by the administration. The arrival of a persuasive and energetic faculty member with strong NJEA ties and experience in teacher bargaining and the willingness of some respected faculty to support collective bargaining greatly facilitated the timing and success of the move toward unionization.

Economic pressures in the sense of the squeeze being felt currently were not present at Monmouth at the time the movement for collective bargaining among the faculty developed. These pressures have become very real subsequent to the 1971-72 academic year.

Notes

1. Letter, Dean Rouse to Ted Settle, November, 1976.
2. Frederick Livingston and Andrew S. Christensen, "State and Federal Regulation of Collective Negotiations in Higher Education," Wisconsin Law Review 1971, No. 1., p. 96.
3. New Jersey, Constitution, art. 1, paragraph 19.
4. Faculty Association of Monmouth College, "A FAMCO White Paper: 1962-1970. History of the Faculty's Unsuccessful Efforts to Play a Role in the Determination of Faculty Compensation,"Monmouth College, 1970, p. 1. (Mimeographed.)
5. Ibid., p. 1
6. Ibid.
7. Ibid., p. 2

8. Ibid. An administrator involved in hiring faculty states that summer employment was never guaranteed but that in hiring interviews, candidates were informed that attempts would be made to secure summer employment.

9. Ibid., p. 2

10. Ibid.

11. Ibid., pp. 2-3

12. Letter, Donald Warncke, President of FAMCO to Monmouth Faculty, January 1971, p. 2 (Mimeographed).

13. Faculty Association of Monmouth College, "A FAMCO White Paper 1962-1970, History of the Grievance Procedure at Monmouth College," 1970, p. 1 (Mimeographed).

14. Ibid.

15. Ibid., p.3.

16. Ibid., p.4.

17. Ibid.

18. Faculty Association of Monmouth College, "A FAMCO White Paper: 1959-1970. A History of the Faculty's Unsuccessful Efforts to Play a Role in the Determination of Institutional Policy," Monmouth College, 1970 pp. 3-4 (Mimeographed).

19. Red Bank (New Jersey) The Daily Register, September 26, 1969.

20. Ibid.

21. Facultv Association of Monmouth College, "Facts from FAMCO," October 2, 1970 (Mimeographed).

22. Faculty Association of Monmouth College, "Facts from FAMCO," November 2, 1970 (Mimeographed).

23. Newark (New Jersey) Star-Ledger, November 6, 1970.

24. Letter, President Van Note to faculty of Monmouth College, December 29, 1970 (Mimeographed).

25. Ibid.

26. Letter, Len Spiegel, Professor to Monmouth College Faculty, February 7, 1971 (Mimeographed).

27. Letter, Donald Warncke, President of FAMCO, to Monmouth College Faculty,- undated (Mimeographed).

RIDER COLLEGE

Background

Rider College had its origins in the business school movement of the 1850s and 1860s.[1] It was founded in 1865 by two business school entrepreneurs as the Trenton Business School, one of forty-five such schools in different cities. In 1898 Franklin B. Moore assumed a faculty position and that same year "acquired Mr. Rider's interest in the school."[2] Thus began the Moore family's involvement in the school which was to last nearly seventy years. His son Franklin F. Moore succeeded him as president in 1934 and served in that position until 1969.

Under the son the institution underwent significant growth and change, particularly in the 1950s and 1960s. President Moore created the first governing board and a few years later turned the college into a nonprofit corporation.[3] At an early point he sought accreditation for the institution, but it was not until the Middle States Association of Colleges and Secondary Schools opened its membership to professional schools other than engineering and teachers' colleges in 1952 that such an accreditation was possible. With the support of significant numbers of faculty, President Moore requested immediate evaluation of Rider College.

Two recommendations of the Middle States evaluation were basic to the formation of the college's future. (1) "It is possible that there exists in the Trenton area a need for another four-year liberal arts college and that Rider might eventually move in that direction," and (2) "In spite of the fact that the existing arrangement (physical plant) has served amazingly well for many years, it might be advisable for Rider College to start from scratch and build a new plant."[4]

The suggestion to rebuild served as a catalyst and by the 1964-65 academic year relocation to a new suburban campus was completed.

During this same period of time (1957) Rider College received approval "to confer the degree of bachelor of arts in three major fields--English, history, and the behavior sciences." Also in that year the Rider College Department of Education offered a program leading to the bachelor of arts degree in secondary education. With these new programs Rider departed from its ninety-three year concentration on business education alone.[5]

As an indication of the desire to upgrade the student body, applicants for admissions to Rider College in September 1963 were required, for the first time, to submit scores on the Scholastic Aptitude Tests of the College Entrance Examination Board.

Today Rider College is made up of four schools: business administration, education, evening, and liberal arts and sciences, with a total enrollment of approximately 5,500 students. Among the full-time faculty, 72 percent have their appropriate terminal degree.

This process of broadening the offerings of the college to include liberal arts and sciences as well as business and education and the concurrent emphasis on upgrading the quality of the faculty (as measured by the number having doctorates or other appropriate terminal degrees) were changes which had major implications for ongoing faculty-administration relationships. As will be seen, the drive for collective bargaining was precipitated in March 1973 by events which had roots in policy changes brought about in the Moore administration (he retired in 1969) and were related to attempts to upgrade the faculty.

After 70 percent of the faculty had signed the cards during the course of a month-long personal campaign in March and April 1973, the Rider AAUP chapter president personally delivered the signed cards to the National Labor Relations Board (NLRB) regional office in Newark. Rider College administrators were served notice by the NLRB in early May that the AAUP had filed sufficient signatures to warrant an election in order to determine who would represent the faculty in collective bargaining at Rider College.

Rather than go through the election process, the administration and faculty agreed to a procedure which would treat all faculty alike--those who had already signed cards and those who had not. In a letter sent to all faculty members, those who had already signed a card were given the option of indicating they wanted their initial card to stand or of rescinding their initial card. Those who had not signed a card were given the option of signing or not signing. Responses were mailed directly to the American Arbitration Association where they were counted.

During the time when this letter was distributed, there was an attempt by someone identifying with the faculty to dissuade the faculty from jumping into collective bargaining as their savior. Apparently the letter had little effect. By mid-July the Rider chapter of the AAUP was certified by the National Labor Relations Board as the collective bargaining agent for the faculty at Rider College.

Included in the bargaining unit were all full-time faculty members, part-time faculty members, and members of the college library staff with a minimum of a master's degree of library sciences or tenure as a member of the library staff, and the athletic staff with a minimum of a bachelor's degree.

Several days of hearings before the NLRB were taken up with arguments concerning the status of department chairpersons. The faculty argued for their inclusion in the unit, while the administration opposed it. Prior to an official decision by the NLRB, the faculty withdrew the status question under an agreement with the administration to leave open the status of faculty chairpersons to be settled in the subsequent negotiations. They were eventually excluded from the unit.

The Case of Rider College

While the movement toward establishment of the faculty collective bargaining unit was initiated and culminated under the current administrative leadership (Dr. Frank N. Elliott became president in August 1969), earlier decisions in respect to promotion and tenure policies and interpretations of those decisions had a tremendous impact on the developing relationship between the new administration and the faculty. Other issues specific to the Elliott administration which contributed to the bargaining movement were decisions relative to faculty evaluation, administrative appointments, and resource allocation. Each of these areas will be discussed in time.

Promotion and Tenure

During the accreditation process in 1955 President Moore became more aware of the standards used to judge quality faculty through an introduction to AAUP principles concerning promotion and tenure. One outcome of this awareness was a policy that promotion to associate professor required a terminal degree. Achieving tenure, however, did not appear to be similarly constrained; the board of trustees granted tenure to several faculty members in 1963 who had not been promoted to associate professor and who did not hold a doctorate.[6]

In 1967 the business school applied for accreditation from the American Association of Collegiate Schools of Business and found one standard it could not meet: 50 percent of those faculty teaching in the graduate program were required to have a Ph.D. degree. Because of this, greater emphasis was placed upon encouraging currently-employed faculty to obtain doctorate degrees, and on hiring faculty who already held doctorates.[7]

Also in 1967, President Moore, upon recommendation of the faculty requested the adoption of the 1940 AAUP statement on promotion and tenure, but with the provision that it not become effective until 1974. The board of trustees approved.

President Moore intended the seven years from 1967-1974 as a fair amount of time for those who did not already possess an appropriate terminal degree to gain one.[8]

The interpretation and application of this policy on promotion and tenure, under President Elliott's leadership, formed one of the basic underlying factors over which conflict and disagreement between the administration and the faculty occurred.

Frank Elliott, as president elect of Rider College (early 1969), was aware of the proviso making the 1940 statement applicable beginning 1974. He was also aware that only 32 percent of the faculty at Rider College would have an appropriate terminal degree when he took office in August 1969. In his initial convocation address before the faculty he set out quite clearly one of his primary goals and the indicator he would use to measure progress toward that goal.[9] The goal: building a high quality faculty; the indicator: percent of faculty having an appropriate (usually Ph.D.) terminal degree. While some of this change could come about by attrition and the hiring of new faculty who already possessed terminal degrees, there was still the question of those faculty who, prior to or by 1974, would be beginning their eighth year as full-time faculty members and thus receive automatic tenure under the 1940 statement.

President Elliott chose to interpret the 1967 resolution passed by the board of trustees similarly to President Moore's intention, i.e., that the time from 1967 to 1974 was provided to enable those who had not yet earned the appropriate terminal degree to do so. And this interpretation became the lever used to push those faculty to finish their degrees or face termination. (A substantial number of these faculty did complete their degrees and were tenured under this policy. However, the faculty perceived the application of this policy as uneven. Thus even the application became an issue.)

But his interpretation of the policy was not shared by all. In his first convocation address President Elliott had also indicated that he was establishing an ad hoc committee on evaluation comprised of two administrators, five faculty, and two students (this committee and its report became known as the 2-5-2 committee, and the 2-5-2 report). The purpose of this committee was to study the problem of faculty evaluation and to make recommendations "concerning the criteria and tools to be used to evaluate the levels of teaching skills and research that will warrant promotion and/or tenure."[10]

The ad hoc committee on evaluation submitted their report to the president in June 1970. In the fall the faculty senate reviewed it and passed several resolutions showing substantial approval of the report. However, the report did not deal clearly with those who already had begun or would begin their eighth year as full-time members of the faculty prior to 1974. In a separate action, faculty members of the Rider chapter of the AAUP adopted a resolution "affirming the support of the 1940 Statement of Principles and urging acknowledgement of the tenure of all faculty members at the college who had served over seven years."[11] This resolution was sent both to the president and to the faculty senate.

President Elliott responded to the Rider AAUP chapter on 3 November 1970, rejecting their position. He referred them to the resolution passed in 1967 and indicated that full adherence to the 1940 statement would begin in 1974. In support of his position he quoted from the memo President Moore had received from the then (1967) president of the Rider AAUP chapter indicating the Rider AAUP chapter's support of that resolution.

The faculty senate, knowing the president's response to the Rider AAUP chapter, adopted a resolution similar to theirs, urging that all members of the faculty who had finished seven years of acceptable teaching at the college, be granted tenure without further delay. Matters came to a head in the Daiute case.

The Daiute Case. At the same time the faculty were discussing the report of the ad hoc committee on evaluation, Professor Robert Daiute was applying for tenure and promotion. Professor Daiute came to Rider College in 1960 and had been a full-time faculty member since that time. When he came very few of his colleagues in the division of business had doctoral degrees. He alleges he was told that for promotion to associate professor he would need a doctorate, but for tenure the same requirement would not necessarily hold. However, in 1967, the same year the board of trustees passed the resolution regarding the 1940 statement, the division of business was expanded into the School of Business Administration.

When the dean of the School of Business Administration applied for accreditation from the American Association of Collegiate Schools of Business, he was told that at least 50 percent of the faculty teaching in the graduate program would have to hold a doctorate in order for the program to be accredited. Faced with this standard, a new emphasis was placed on faculty having doctoral degrees. Professor Daiute was among those who were encouraged to begin doctoral work. "Professor Daiute refused, asserting that he had been assured earlier that the doctorate would not be an issue in his continuing at the college and that his publications were more than the equivalent of the doctorate."[12]

Following Professor Daiute's application for promotion and tenure in the fall of 1970, the dean of the business school made a negative evaluation of his performance and recommended that he be given a terminal contract for the 1971-72 academic year. This recommendation came at the same time that the faculty through the Rider AAUP chapter and the faculty senate were passing resolutions that persons such as Professor Daiute, who had completed at least seven years of teaching at Rider College, be granted tenure immediately.

Professor Daiute's request for promotion and tenure also began to proceed through the promotion and tenure processes which were established on the basis of the report of the ad hoc committee on evaluation. The final decision on Professor Daiute was not made during the 1970-71 academic year. Many committee meetings were held and much time spent on this decision. It was not until 14 December 1971 that the vice president for academic affairs sent him official notice that his contract for academic year 1972-73 would be a terminal one.[13] During this time the issue became not so much whether Professor Daiute was going to be tenured and/or promoted, but whether the collegial process involving peer review would work at Rider College.

The faculty perception of this is seen quite clearly in the discussion held in a faculty senate meeting 15 February 1972. A resolution regarding Professor Daiute was on the floor. During the discussion it was pointed out that there were three possible interpretations of the resolution as it was worded: 1) an endorsement of Professor Daiute; 2) an endorsement of the 1940 statement; 3) an endorsement of the collegial process in which five of six faculty committees recommended Professor Daiute for tenure. The resolution was changed to reflect the third interpretation: "Be it resolved, that because of the unanimous endorsement of the relevant faculty committees, Professor Robert Daiute be tenured by the board of trustees."[14]

In its discussion the faculty senate touched on a basic issue over which there was much disagreement between the faculty and the administration, i.e., the nature of the collegial peer review process, and even more important, the nature of the total collegial decision-making process. The administration on the issue of peer review with respect to tenure felt that the faculty were not participating in "a true peer review but rather a doctrinaire vote based on the fact that, past understandings to the contrary, seven years meant tenure regardless of the merits of the individual case."[15]

During the year (1971-72) of Professor Daiute's unsuccessful efforts to gain tenure, the faculty senate was again disturbed with wide discrepancies between the committee on promotion and tenure recommendations and administrative action.

The previous year (1970-71) the faculty had started keeping a scorecard on the committee's recommendations after the ad hoc report of the committee on evaluation (1970) had been implemented. The faculty were also upset at the scorecard that year but felt that they had obtained certain concessions from the president which had enabled the committee to hope that he would subsequently pay more heed to the committee.

When they felt the second scorecard in 1971-72 indicated otherwise, the faculty senate executive committee sent out a letter containing the following quote:

> An authoritarian college administration, though repugnant to many, is tolerable if two conditions prevail: that its authoritarianism is acknowledged; that it is benevolent. There is significant evidence that neither condition exists at Rider. President Elliott pays lip-service to collegiality--to faculty involvement in college government. His support of the elaborate faculty committee structure worked out by the Stroh Committee indicates so; as does his reply to the AAUP questionnaire (included on the chart published in the March 1971 AAUP Bulletin) about faculty participation, in which he declares that matters like appointments, reappointments or nonrenewal, promotions, and tenure are arrived at by joint action of administration and faculty at Rider. His graph has a very democratic profile. The evidence, however, argues that he has consistently overridden duly authorized groups when his opinions differed.[16]

This letter was significant in that it represented the beginning of the objectivation of a faculty position vis-à-vis the administration. This letter formed the basis (for a faculty perspective) not only for interpreting past faculty-administration transactions, but also for future transactions. Even those faculty who had no direct contact with the administration reflecting such instances, could not escape (as faculty) being influenced by the continuous presentation of the administration as in fact authoritarian even in the face of the administration's continuous espousal of collegiality.

The 1972-73 scorecard also created a strong faculty reaction. What turned out to be of significance in that year's scorecard was that six persons were placed on hold regarding the decision for tenure and subsequently were denied tenure along with another member of the faculty. In March 1973 the whole issue of the faculty's involvement in matters of promotion and tenure came to a head. Not only was there at issue the influence that the faculty were to have over promotion and tenure decisions, but also the perceived unwillingness of the administration to deal fairly and honestly with them. The faculty senate minutes of 13 March 1973 read:

> From the committee on promotion and tenure to the Faculty Senate: The following statement expressed the collective concerns of the committee on promotion and tenure in regard to administrative action taken on behalf of seven colleagues. (1) recently, seven colleagues were given terminal contracts. Each was eligible for tenure and and received the endorsement of the tenuring hierarchy i.e., peer groups, department chairmen etc.; (2) until receipt of the terminal contract our colleagues were placed in a hold category with the additional time ostensibly devoted to an individual, in depth review of accomplishments, academic progress, etc. (3) the administration has repeatedly

> stated that our colleagues were treated as individuals, and that their tenure applications were judged within the statutes. To this the committee on promotion and tenure must take exception. Until proven otherwise, we must take the position that tenure was denied because the seven did not possess the terminal degree, for this degree appears to be the common denominator in each case. (4) Were the terminal degree a prerequisite for tenure, the foregoing statement would be inappropriate. However, the committee on promotion and tenure must emphasize that the terminal degree is not a prerequisite for tenure and therefore the committee must object strongly to the application of non-existent standards. (5) Finally, the administrative actions concerning the seven colleagues leave certain questions that must be answered: (a) if the common denominator in the seven cases was not the absence of a terminal degree, then what characteristics must a colleague possess to be considered an exception under tenure statutes? (b) is the activity of various groups within the tenure process redundent and superfluous?[17]

National AAUP Intervention. At the same time this was happening, events related to the Daiute case were also coming to a head. During the review process Professor Daiute sought the intervention of the Northeast regional office of the AAUP on his behalf. When it became evident that Professor Daiute would not be tenured, the national AAUP organized and sent in an ad hoc committee to investigate the circumstances surrounding Rider College's issuance of a terminal contract to Professor Daiute for the academic year 1972-73.

The bases on which the ad hoc committee took issue with the Rider College administration were: (1) the dismissal of Professor Daiute who under the 1940 statement was de facto tenured (he had been on the Rider faculty ten years beginning the fall of 1970 when he made application for tenure and promotion), and therefore could be dismissed only "for adequate cause and with full academic due process as set forth in the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings;" and (2) the fact that the proviso delaying implementation of the 1940 statement continued to be the policy of the Elliott administration.[18]

In a procedure which President Elliott has called a "Kangaroo Court," the ad hoc committee conducted its investigation and drafted a report. The report was then submitted on 2 February 1973 to President Elliott. President Elliott, with the Chairman of the Rider College Board of Trustees, another member of the Board of Trustees, and Vice President Dr. Brown, met with Dr. Kurland, Associate General Secretary of the AAUP in Washington, D.C. During this meeting the administrators presented their objections to the draft report of the AAUP. This meeting was followed by correspondence between them resulting in a revised draft of the ad hoc report. President Elliott stated what he considered the central issue:

> We believe that the central issue revolves about the question of local autonomy, and contend that the faculty of an institution, acting jointly with other members of the institution, possess competence to develop and implement a suitable tenure policy which may not be in strict and immediate a agreement with the 1940 statement. The impact of the revised draft denies this competence - both as a matter of policy and as a logical consequence.[19]

He indicated further that "publication of the draft text would be prejudicial and harmful to Rider College and to those individuals named and referred to in it."[20]

The administrators continued to be dissatisfied with the AAUP's report, even in its revised form. This dissatisfaction was based on the administrators' perception that the report still contained "grossly inaccurate material" and that the AAUP seemed unwilling "to take into account any of the facts that we had presented or to make any of the corrections which were obviously called for."[21] Because of this perception, the only alternative the administrators saw open to them was to gain an injunction stopping publication of the report.

President Elliott, with the approval of the board of trustees but without the knowledge of the faculty, sought a preliminary injunction in court to stop the publication of the AAUP report until such time as the alleged inaccuracies and errors could be removed. Early in March 1973 the college administration lost its attempt to gain the injunction. A superior court judge rejected the college's contention that it would be irreparably harmed by publication of the report, but also refused to rule on whether or not an injunction would amount to prior restraint on the association's first amendment right of free speech.[22]

The faculty senate subsequently called for the resignation of the president and his vice president of academic affairs.[23] And it was immediately following the court appearance on the injunction and in the climate indicated by the resolutions passed by the faculty senate that the successful movement to organize the faculty for collective bargaining took place.

In court the president of the Rider College chapter of the AAUP had found himself in an adversary position (as a defendent) vis-à-vis the president of the college (as plaintiff). For the AAUP president this served as the experience which removed any remaining trace of hope that a collegial decision-making relationship between faculty and administration at Rider College could function. The fact that other early leaders in the collective bargaining movement were current or past leaders of the senate reinforced the role of that body in the bargaining movement as well.

Following the denial of the administration's petition for an injunction, the AAUP president went back to Rider College and sought and gained from the executive committee of the AAUP authority to carry out a card signing campaign. Within an hour of beginning the campaign in his own academic building, Professor Dissinger had signed up thirty of thirty-two faculty members. Within a month approximately 70 percent of the faculty had signed cards indicating their desire for a bargaining election.

While the Daiute case was a major precipitating factor in the unionization of the Rider faculty, the discussion will turn to other issues which were important in contributing to underlying faculty perceptions.

Faculty Evaluation

Along with adherence to the previous administration's tenure policy and a new emphasis on increasing the quality of the faculty by increasing the number who held appropriate terminal degrees, President Elliott notified the faculty in his first convocation address (1969) that he would also place emphasis on the development of criteria to evaluate the overall activity of the faculty.[24] To implement an evaluation system, the president formed an ad hoc committee on evaluation in the fall of 1969.

The ad hoc committee on evaluation submitted its report to President Elliott in June 1970. In the meantime he had implemented in the first year of his administration a system of faculty evaluation for reappointment, promotion and/or tenure decisions, and for merit pay decisions. The AAUP issued a statement, later endorsed by the senate, in which it expressed disagreement with the procedures used.[25]

After the ad hoc committee on evaluation submitted its report in the fall of 1970, the faculty senate discussed and passed several resolutions related to the report. Following this a faculty committee to review evaluation procedures worked through the year (1970-71) without developing a more precise way of measuring quality teaching. The next year (1971-72) a consultant from Educational Testing Service was assigned to work with this committee to develop a course evaluation procedure. While participation by the faculty in the course evaluation process was voluntary at this developmental stage, it could reasonably be projected that once a suitable instrument was developed, every course would be evaluated.

In his convocation address to the faculty 8 September 1972, President Elliott again stressed the importance of course objectives.[26] Soon after this the faculty found in their mailboxes the Faculty Activity Plan (FAP). This plan, had it been implemented, would have established both the substantive and procedural aspects of evaluation. Following the report of the ad hoc committee on evaluation, the FAP divided a faculty member's activity into five areas: (1) teaching; (2) scholarly activity; (3) service to Rider community; (4) service to the larger community in terms of results; (5) developmental and personal growth. For each of these areas, each faculty member was to develop a plan (objectives to be accomplished during the academic year) and criteria by which acceptable results could be measured. After a faculty member had drawn up his/her plan, a meeting with the department chairperson would be held.

> If the department chairman and the faculty agree on these proposed goals they are forwarded to the dean with a recommendation for approval. If the faculty member and the department chairman do not agree on the goals as stated they would then have a three-way conference with the dean to resolve the issues involved.[27]

A similar procedure was to operate for the evaluation of results achieved at the end of the academic year.

Immediately a storm of protest arose from the faculty. Resolutions from the faculty executive committee, the Liberal Arts and Science Council on Academic Policy (LASCAP), and the executive committee of the Rider chapter of the AAUP were quickly passed.[28] The basis of the protests was that faculty participation in both the formation and implementation of the plan was inadequate. The administration was called upon to hold up the implementation until a complete review was accomplished.

The president had not seen the unilateral implementation of the faculty activity plan as such a major problem and felt that the faculty had overreacted. But when the administration sensed the unpopularity of the FAP, it was withdrawn.

The perceived arbitrariness of the administration's actions, along with the ongoing disagreements over promotion and tenure issues, served as a basis for the developing mistrust of the motives of the administration. The issues related to faculty evaluation, i.e., purpose, content, initiative, and frequency, were among those issues which were not resolved in the thirteen and a half months of negotiations leading ultimately to a faculty strike in October 1974.

Selection of Administrators

Another aspect of the developing situation which gave impetus to the faculty perception that the president was only giving lip service to collegial governance was the appointment of two administrators--the vice president for academic affairs and the Economic Opportunity Program director. The faculty perceived these appointments as having being made unilaterally.

The appointment which caused the most turmoil and which will be discussed here was that of the assistant to the president to the position of vice president for academic affairs. When the vice president position became vacant in the spring of 1969, the faculty wanted to be deeply involved in the process by which the new vice president for academic affairs would be chosen. In fact, at the same time the search was going on for a new president, the faculty senate, in the spring of 1969, established a faculty search and screen committee for the office of vice president for academic affairs. It was not made an official college committee by President Moore, due to the understandable wish of President-Elect Elliott to have a part in the selection process. President-Elect Elliott did make a commitment at that time that the faculty would be fully involved in the selection process once it was initiated.

Upon assuming office President Elliott took upon himself the duties of the vice president for academic affairs to find out the details involved in the job and also to wait until he knew the college and its personnel more thoroughly before he initiated the processes that would eventually fill that position.

In March 1970 President Elliott asked the dean of the School of Business "to serve as chairman of a Screening Committee to seek out and screen candidates for the Office of Vice President for Academic Affairs, ..."[29] The committee was made up of the "dean of each school, two faculty members from each of the three day schools and four students from the Council for Academic Affairs."[30]

The issue that clearly upset the faculty was that despite the fact that Dr. Jerry Brown's name had been eliminated from the list of names being considered for the position by a vote of the committee on 1 July 1970, Dr. Brown was still appointed by the board of trustees to that office on 2 December 1970. The faculty senate established an ad hoc fact-finding committee "to determine what events transpired and what procedures were employed in the selection of a Vice President for Academic Affairs."[31]

On 7 December 1970 the screening committee met for the last time to have read to them President Elliott's final letter to the committee. This was also the day on which the appointment of Dr. Brown to the office of vice president for academic affairs was announced to the Rider College community. The letter contained the following items:

a) It is the responsibility of the President to appoint the vice president.

b) He has compared the credentials of the ten candidates submitted by the committee against those of Dr. Brown. None of them met the college's needs as well as Dr. Brown did.

c) He doubts that the committee would ever have unamimously agreed on any candidate.

d) He acknowledges several communications from three student representatives on the committee and denies the allegations they made.

e) He is disbanding the committee.[32]

One interpretation of these events made by many of the faculty was that Dr. Brown had been President Elliott's choice all along and that he had gone through the motions of setting up a screening committee to demonstrate his commitment to collegiality, fully expecting the screening committee to concur with his choice. However, when the screening committee rejected Dr. Brown's name from further consideration, in part because they did not perceive he had the experience or had provided evidence of strong academic leadership as assistant to the president, the president reverted to the statement in the statutes giving him, along with the board of trustees, the authority to appoint the vice president for academic affairs. He thereby was perceived as circumventing the collegial process which he had asserted was to figure significantly in decision making under his administration.

President Elliott was aware that this interpretation was being given and rejected it, referring to the memo he had sent early in the search process to a student who was a member of the student academic affairs council of the student government association. In this memo of April 14, 1970 he stated:

I must remind you that this is a

> "search and recommend" committee. By Statutes and by sound administrative practice, the final decision rests with me and with the Board of Trustees; therefore I cannot assure you that any appointment will be made in which there has been unanimity, either of the committee as a whole, or by the separate constituencies of that committee.[33]

The reason for faculty concern was furthered in the discussion surrounding the proposed changes in the statutes and by laws, and in a subsequent letter sent out to the faculty by the faculty senate executive committee. In a faculty senate meeting on 8 December 1971 a discussion was held regarding the revision to the statutes. The faculty were informed that Article I and II, dealing with administrative offices and the appointment process, were outside the province of the faculty. The faculty was to concern itself only with Articles III and IV, dealing with the Faculty Association (all members of the faculty including administrators) and the Faculty Senate (all members of the faculty excluding the administrators).

The discussion quickly centered on changes made in the faculty-suggested revisions to the old statutes. Based on their experience with the appointment of the vice president for academic affairs, the faculty committee defined an elaborate structure for the appointment process in order to insure faculty approval of subsequent appointments of persons to administrative posts which were directly related to academic matters. The board of trustees refused to delegate such authority to the faculty, leaving the authority of the president intact while for the moment removing even the consultative role of the faculty. As a result of the discussion, the motion to approve the statutes was tabled.

In a letter to the faculty from the faculty senate executive committee in February 1972, concern about the revisions made to the statutes was expressed.

> Our immediate area of concern is your vote on the new statutes. At the May 1971 Senate meeting, you endorsed Articles 3 and 4 as prepared by the Stroh Committee. Subsequently the administration revised them, deleting Appendix C, which specified meaningful faculty involvement in selecting candidates for college wide positions. Recently you were asked to endorse Articles I and II as prepared by the administration and trustees. These specify no machinery for a faculty role in governance; they state merely that faculty will be consulted when matters concern them. We feel that as they stand, the statutes are totally unacceptable and recommend that you reject them until Appendix C is restored and until your representatives present a revision of Articles I and II.[34]

The letter continues with the following comment, which gives an indication of the thinking of some of the faculty at this point.

> A crucial matter that we feel must be spelled out in the statutes is the faculty's right to have a meaningful say in selection of departmental chairmen. In 1974, most department chairmen's terms will be subject to review. The ramifications of administration-appointed chairmen are many--some readily apparent, others not so obvious: for example, if a faculty undertakes collective bargaining, the National Labor Relations Board will not recognize appointed chairmen as a part of the bargaining unit (as at C. W. Post), but will recognize those selected by their departments (as at Fordham).[35]

The faculty were not successful in changing the statutes to read that department chairpersons would be elected by the full-time faculty of the department. This would appear again as an issue in both setting up the bargaining unit and in negotiations.

Resource Allocation

In the first year of President Elliott's tenure, differences also developed between the faculty and administration over the extent of faculty knowledge of the budget and the degree to which faculty would be involved in allocation decisions. In the spring President Elliott created a priorities committee and by the end of the year disagreement over the functions of the budget priorities arose. At issue was the degree of involvement of the faculty in resource allocation decisions. Related to this was the question of budget information. Faculty members of the Budget Priorities Committee strenuously objected to the fact that they were asked to represent the faculty in setting budget priorities without, at the same time, being given the budget information they felt necessary to fulfill this task responsibly.

The administration's position had been that the process of putting the budget together takes months. Anyone not involved in that process, i.e., faculty, would look at the end product and will make some "erroneous judgment." The administration did not want to spend a great deal of time dealing with these judgments or second guesses.

Also at issue was the role of the committee in the disbursal of a budget surplus and on another occasion the distribution of unanticipated funds which had been received.

As an indication of its perceived problems, the budget priorities committee made the following recommendations to the faculty senate at the end of its first year of operation (1970-71):

> Because we are attempting to establish a productive relationship with the administration, we suggest that the Senate communicate something like the following to President Elliott:
>
> It is the Senate understanding that in working with the Budget Priorities Committee you will:

> 1. send members an agenda along with each meeting notification.
>
> 2. notify them well in advance of major budget problems about which you want faculty opinion so that they may check with the Senate.
>
> 3. seek committee advice about all contemplated unbudgeted multi-thousand dollar expenditures and about all major expenditures.
>
> 4. recognize the right of the committee to call a meeting of administration and faculty committee members to be conducted by the faculty committee chairman.
>
> We also suggest that the budget priorities committee for 1971-72 prepare a tentative priorities list during the summer, coordinate it with the Faculty Welfare, Salary, and Fringe Benefits Committee recommendations (and possibly the Student Priorities Committee priority list), present it to the Faculty Association in September, and then, as amended, to the administration.
>
> Additionally, we recommend that dates by which answers are requested be specified.[36]

Another indication of the situation at Rider College in relation to budgetary matters is seen in a transaction between the president and the AAUP president. The faculty executive committee, the senate budget priorities committee, the faculty welfare committee, and the executive committee of the Rider chapter AAUP had unanimously requested that the summer school and evening school salaries be increased. In response, the president said "no," indicating that the salary committee, following established precedent, had already chosen to give preference to base contract salaries. At the same time he stated he had "become utterly bewildered by the present faculty committee structure" in terms of the respective jurisdictions of the committees and their order of operation.[37]

In November 1972 the faculty senate committee on salary and wage benefits made the following recommendations:

(1) No faculty member adjudged satisfactory in performance should receive less than the mean of Rider faculty salaries for the next lower rank;

(2) No new faculty should be hired at more than the mean within the rank at which they are hired except with the approval of the department chairman within the hiring school;

(3) Any satisfactory faculty member who has served in rank for five years and who is below the rank mean should qualify as a case of inequity.[38]

As a final indication of faculty exasperation with budget and salary matters, the faculty senate on 20 February 1973 passed a resolution by unanimous voice vote which, in effect, put the senate in agreement with a bargaining relationship vis-á-vis the administration concerning wages and fringe benefits. This resolution asked the administration to accept the spirit of negotiations as the means for reaching agreement rather than presenting the faculty with figures already established and a take-it-or-leave-it attitude. The resolution also stated that "the faculty ratify any final agreement" and "that the faculty, collectively and individually, must know what any agreement will mean to them in terms of dollar amount before they vote on whether or not to ratify the agreement."[39]

Summary

Pressures leading to the formation of the collective bargaining relationship and the subsequent strike at Rider College grew out of events and issues taking place over several years prior to the actual certification of the Rider chapter of the AAUP as the faculty bargaining agent. Severe disagreement developed between the faculty and administration over tenure and promotion policy, faculty evaluation procedures, appointment of administrators, and resource allocation.

In February and March of 1973 all of these issues came to a peak. In the tenure and promotion and evaluation issues, the faculty were well aware that the AAUP's ad hoc committee had drafted its report on the circumstances surrounding the termination of Professor Daiute. Also they were well aware of the situation of their seven colleagues who had been given conditional terminal contracts. All of these colleagues would have begun their eighth year teaching the next academic year, and all lacked the appropriate terminal degree. Also at this time a new dean was being sought for the school of liberal arts and sciences. The chairman of the liberal arts and sciences committee on academic policy and his committee (with some additions) had been appointed by the President to serve in the search committee. In his letter to the chairman, President Elliott, after outlining the duties and qualifications he considered important to this position, stated:

> After careful consideration and consultation with Dr. Brown and others, I have concluded that Dr. Iorio is experienced and qualified for this position. The faculty of the School of Liberal Arts and Sciences has demonstrated its confidence in Dr. Iorio on a number of occasions in the past. I have come to share that esteem and confidence. He has had the advantage of working closely with members of the administrative staff and faculty in representing the School and has done so with ability and integrity. He would make an excellent Dean. After careful consideration I have concluded that unless it is your committee's

> conclusion that Dr. Iorio should be asked to assume this position we should look outside the College for Dr. DeYoung's successor.[40]

The committee objected to the conclusion of the president that they select either Dr. Iorio or seek someone from outside the college. This was perceived as being in violation of the college statutes and violating the meaningful participation of faculty in the college's decision-making processes. The president, in response clarified his initial conclusion, indicating that it was his intention to make clear his support of Acting Dean Iorio, and urged the committee to include other candidates from the college if they so desired. However, given the situation at that time, it is unlikely that President Elliott's letter of clarification received much attention.

Finally, the faculty senate had expressed its desire to enter into the spirit of collective bargaining with the administration regarding wages and fringe benefits.

Basic to the problems at Rider College was the attempt of the administration to bring about rapid improvements in institutional quality in a time frame and by means not agreeable to the faculty. After the president replaced a not-so-democratic predecessor who had led the institution for over thirty years, improvements were made in salary, the size of the faculty was increased in a time of declining enrollments, and the collegial mechanisms for decision making were improved with great emphasis placed upon their use. However, the collegial mechanisms also presented an opportunity for the faculty to define and set its priorities on goals, and to define the means and time constraints for achieving these goals. The faculty attempted to apply quite literally the AAUP "Statement on Government of Colleges and Universities, 1966."[41]

The president, confronted by these differences in priorities and means, felt constrained to push ahead and make decisions which were then perceived by the faculty as unilateral and arbitrary. These decisions then became the center of faculty senate discussions and set off a new round of disagreement between the faculty and the president--the president impatient with the faculty for not dealing with matters of academic importance and unhappy with the lack of vigor of their deliberations, the faculty replying that they could deal with such matters if the decisions arrived at through collegial mechanisms were respected and allowed to stand except in extenuating circumstances. Adding to and perhaps aggravating the discussion of these issues was the uncertainty on campus created by a shifting of the college's statement of mission and goals, the general unrest among students also claiming a greater share in decision making, and the growing problems facing institutions of higher education, especially private institutions.

The faculty mistrust generated by heightened expectations for participation in decision making which subsequently were largely unmet led them to adopt the one alternative perceived left to them for participation in decision making at Rider College--the establishment of a collective bargaining relationship. However, even the establishment of a collective bargaining unit and the subsequent negotiations did not result in the resolution of some important issues. With failure to reach agreement and the administration unwilling to grant further concessions, a strike ensued in October 1974.

While these events at Rider College took place in the context of the growth of a national faculty bargaining movement, the salient factors producing and shaping the Rider College bargaining relationship derived primarily from issues specific to the Rider faculty-administration relationship. For the most part, the impact of the faculty bargaining movement, which is especially strong in New Jersey, was to make bargaining a less unprofessional alternative since it had been accepted by many other faculty. Before the onset of the faculty bargaining movement the discrepancies in faculty-administration perspectives at Rider College and the resulting tensions might have been resolved differently, i.e., the president, confronted with a serious lack of confidence by the faculty, might have been eventually forced to resign. But in the collective bargaining era, other alternatives for action by the faculty have apparently been substituted.

NOTES

1. The basic background material has been drawn from: Walter Ashley Brower, Jr., *Rider College: The First One Hundred Years* (Trenton, New Jersey, 1965).

2. *Ibid*., p. 14.

3. *Ibid*., p. 67.

4. *Ibid*., p. 116.

5. *Ibid*., p. 126.

6. American Association of University Professors, "Academic Freedom and Tenure: Rider College (New Jersey)," *AAUP Bulletin*, (Spring, 1973), p. 93.

7. *Ibid*., p. 95.

8. *AAUP Bulletin*, p. 94.

9. See *Directions at Rider College*, January 1973, 1974, 1975 and "Faculty."

10. *Ibid*., p. 26.

11. *AAUP Bulletin*, pp. 96, 99.

12. *Ibid*., p. 95.

13. *Ibid*., p. 97.

14. Rider College Faculty Senate, Minutes of Faculty Senate Meeting, 15 February 1972 (mimeographed).

15. Letter, Frank N. Elliott to James P. Begin, 11 June 1975, p. 1.

16. *Ibid*., pp. 3-4.

17. *Ibid*., meeting of 13 March 1973 (mimeographed).

18. *AAUP Bulletin*, p. 99.

19. Letter, Frank N. Elliott to Jordan E. Kurland, 13 February 1973.

20. *Ibid*.

21. Letter, Frank N. Elliott to James P. Begin, 11 June 1975.

22. New York Times, 13 March 1973, p. 47.

23. Ibid.

24. Frank N. Elliott (speech delivered on the occasion of his first formal meeting with the Rider Faculty Association, 8 September 1969), p. 5 (mimeographed).

25. Rider AAUP Chapter, Minutes of Rider AAUP Chapter Meetings, Meeting of 18 February 1970 (mimeographed).

26. Frank N. Elliott (address delivered at the faculty convocation, 8 September 1972, p. 6.

27. Rider College, Faculty Activity Plan, p. 3 (mimeographed).

28. Rider College Faculty Senate, Minutes of Faculty Senate Meeting, 10 October 1972 (mimeographed). Rider College, Liberal Arts and Science Council on Academic Policy. The Carnegie Commission on Higher Education, Report and Recommendations by the Commission, Governance of Higher Education. Six Priority Problems (New York: McGraw-Hill Book Company, 1973), pp. 212-13. Rider AAUP Chapter, Resolution of the Executive Committee (mimeographed).

29. Rider College, Report of the Faculty Senate Ad Hoc Fact-Finding Committee, p. 3 (mimeographed).

30. Ibid., p. 4.

31. Ibid., Appendix A.

32. Ibid., p. 13.

33. Ibid., p. 4.

34. Letter, Rider College Faculty Senate Executive Committee to Faculty Members, February, 1972, p. 2 (mimeographed).

35. Ibid.

36. Ibid.

37. Memo, President Elliott to President of Rider College Faculty Association, 8 November 1971 (mimeographed).

38. Rider College Faculty Senate, Minutes of Faculty Senate Meeting, 14 November 1972. President Elliott evidently agreed with the second recommendation, but at the same time found it impossible to implement given the fact that in the current market situation a Ph.D. in history, for example, is worth less than one in accounting.

39. Ibid., meeting of 20 February 1973.

40. Letter, President Frank N. Elliott to Dr. William H. McCarroll, 26 February 1973.

41. American Association of University Professors, "Statement on Faculty Participation in Strikes," AAUP Policy Documents and Reports (Washington, D.C.; American Association of University Professors, 1973). This statement was endorsed by the Rider College Board of Trustees on 7 April 1972.

BLOOMFIELD COLLEGE

Background

Bloomfield College, a small, private liberal arts college in northern New Jersey, had its origins in 1807 as an academy founded by the Presbyterian Church.[1] The college participated in the enrollment boom in higher education into the early 1970s when its enrollment peaked at 1,214 students. Along with this increase in student enrollment went an increase in faculty size to seventy-two.

However, Bloomfield College was soon to be faced with a severe internal crisis which derived from its perceived instability in the face of declining enrollments. The organizational changes proposed to adapt to the new era in higher education led the faculty to select the AAUP as its bargaining agent in 1973. Those voting in the election consisted of all full-time faculty, excluding department chairmen.

The Case of Bloomfield College

The problems confronting the Bloomfield administration were threefold: (1) source of students, (2) liquidity, and (3) source of income. In respect to students, Bloomfield College was facing severe competition from the growing publicly-funded institutions which were offering similar programs at a greatly reduced cost to the student. The 1960s were a time for expansion of the state supported facilities for higher education in an attempt to reduce the percentage of high school graduates going out of state for higher education (over 50 percent). As a result, three two-year colleges were established in the northern area of New Jersey whose combined enrollment in the early seventies was close to 15,000. The four-year state colleges were also expanding steadily. In this context the student typically attracted to Bloomfield College was finding it more difficult to pay the increasing costs at Bloomfield College--the public institutions offered a cheaper, but a similar or better alternative.

The liquidity of the college also offered severe problems, as indicated by these figures (liquidity here refers to the resources readily available to meet ongoing college operating expenses).[2]

	Cash	Accounts Payable
1968	$ 808	$ 985,000
1971	6,000	1,247,000
1972	6,000	777,000
1973	12,302	1,018,000

This problem coupled with the fact that the institution placed heavy reliance on tuition for its operating expenses (three-fourths of the total) placed the college in a delicate financial situation. The small endowment in 1973 was $945,000, down 21 percent from the previous year.

The administration, headed by President Allshouse who had come to Bloomfield in 1970 as Dean of the College and who assumed the presidency in 1971, was all too aware of the potential problems the college faced. In fact it perceived a close fit between Bloomfield's situation and that described in the Carnegie Commission report entitled The Invisible Colleges.[3]

In commenting on the AAUP's ad hoc investigating committee's report, President Allshouse wrote:

> *The Invisible Colleges, A Profile of Small Private Liberal Arts Colleges with Limited Resources*, by Alexander Astin and Calvin Lee, was published in the spring of 1972 as part of the Carnegie Commission series. Bloomfield College was one of 481 colleges listed in this profile, which I urged every member of the faculty to read and take seriously. For those not familiar with an institution like Bloomfield College, as is the case with the members of the *ad hoc* investigating committee, a reading of this work is indespensable. Astin and Lee described our plight well when they characterized the invisible colleges as follows: "...Our evidence suggests that the problems of the elite colleges are qualitatively different from those facing the invisible colleges. Elite colleges are, to be sure, caught in certain financial binds that may affect their programs, and as they continue to raise their already high tuition fees in order to support these high-cost programs, they may find it increasingly more difficult to maintain their high admissions standards. At the same time, they may find that their already affluent student clientele will comprise fewer and fewer students from poor families and from minority groups. But these problems pale in comparison with those of the invisible colleges. For them, the question is not one of changes in the characteristics of their student bodies; it is a question of survival. They are not concerned about whether they will attract too many or too few students of a particular type but about whether they will attract enough students of any type .... the students who attend invisible colleges are very similar (particularly in

their rather low socioeconomic backgrounds) to the students who attend public colleges. Thus, it is safe to conclude that the proliferation of tax-subsidized public institutions poses a much greater threat to the invisible college than to the elite one. The prospect of a virtually free public higher education is likely to be far more tempting to the prospective invisible college student than to the prospective elite college student. At the heart of this dilemma is the confusion of the invisible college over its role and identity. So far, no one has developed a strategy for the salvation of invisible colleges that does not jeopardize either their small size or their private status. Therefore, salvation has rested in faith: faith in traditional purposes, faith in their Christian mission (in the case of church-related colleges), faith in the values of smallness and of freedom from state interference and control.... At present, the invisible colleges are plagued by inadequate federal and state aid and by their very small endowments. One administrator at an invisible college pinpointed this second problem as follows: 'Our alumni do not support us well, since they are not generally in the upper earning class. Our graduates are service-oriented'...As a consequence of this lack of outside financial support, the invisible colleges have become increasingly dependent upon tuition and fees for income... the dollar tuition discrepancies between invisible and public colleges are much greater than those between invisible and elite colleges. Thus, the public colleges have the advantage of being able to attract more lower-income students who might otherwise attend invisible colleges, and the elite colleges have the advantage of their superior prestige

> to make higher tuition charges acceptable to their prospective students... Short of raising tuitions and thus pricing themselves out of the market, the alternatives open to the invisible colleges in their efforts to remain solvent are generally unattractive. They can offer lower faculty salaries; they can use unrestricted endowment to meet operating costs: they can increase the ratio of students to faculty; or they can try to attract more students... The major difficulties with most of these self-help strategies are (a) that they are not likely to work and (b) that even if they do, they are likely to be self-defeating in that they may very well erode the special contributions and essential virtues of the invisible colleges.

For the administration the solution to Bloomfield's dilemma lay in removing Bloomfield's invisibility, that is, to design the colleges programs and curricular offerings in such a way as to stand out (be visible) in the college's geographical and educational context.

The administration, through the established college committees and one additional ad hoc committee (long range planning), began the process of rethinking the college's mission. The dilemma facing those engaged in planning was multi-faceted. The basic goal was not just to maintain the continued existence of Bloomfield College as it was, but to reorient and reorganize the curriculum, program, and faculty in such a way as to attempt to ensure the continued viability of Bloomfield College by making it stand out from the other higher education offerings surrounding them.

This problem was given to the ad hoc Long Range Planning Commission initially set up in 1971 and reestablished in the fall of 1972. This commission drew its membership from the administration, the board of trustees, faculty, students, and alumni. It was to report its recommendations to the faculty council.

From this commission came the recommendations which were to serve as catalysts in the movement of some faculty to unionize Bloomfield College. These recommendations to the faculty council included: (1) a reduction in the size of the faculty consistent with 17:1 student/faculty ratio; (2) a basic reorganization of the curriculum; and (3) the suspension of tenure decisions.

During the meeting of the Long Range Planning Commission on 8 January 1973, the suggestion was made that perhaps consultation with the AAUP national office might be helpful. President Allshouse made contact by phone and arranged for a February 27 meeting in Washington. The administration later came to oppose the national AAUP's involvement in local decision making. Prior to this meeting, further meetings of the Long Range Planning Commission resulted in a document which was submitted to the faculty council for their action. The document, "Plan for the Systematic Reduction of Faculty Size Because of Financial Exigency," was to be the basis of heated controversy not only in the college, but between the college officials and the national officers of the AAUP as well.

On 27 February 1973, four members of Bloomfield College traveled to Washington, D.C. to meet with General Secretary Bertram Davis and Associate General Secretary Jordan Kurland. The Bloomfield contingent consisted of President Allshouse; Dean Nodder; Professor Edward F. Robinson, the president of Bloomfield's AAUP chapter; and Professor Walter Kaufman, the chairman of Bloomfield's committee A. Interpretations of what was discussed at the meeting differ. The AAUP Bulletin reports "the discussion was entirely amicable, and the AAUP officials pointed out at the meeting that the college--possessing financial reserves and having a faculty with 60 percent nontenured, many in their early year of probationary service--did not appear to be facing the imminent crisis, despite declining student enrollment, which warranted drastic action."[4]

President Allshouse recalled that "2. there was no discussion, or suggestion that the college possessed financial reserves, the financial position of the college was not discussed except as outlined in my February 13, 1973 Profile Report, which projected five-year forward operating deficits of almost one million dollars without adequate reserves. 3. There was no discussion of 60 percent as being an adequate or inadequate percentage for faculty tenure flexibility."5 At the meeting in Washington, President Allshouse gave the AAUP sixteen documents including the Profile Report and the plan which the Long Range Planning Commission had submitted to the faculty council.

Shortly after this meeting, on March 1, the board of trustees acted "to approve a budget for the 1973-74 academic year which entailed aggregate increments of 5.5 percent and authorization for the administration to issue one-year terminal faculty contracts in the light of financial exigency" because of anticipated reduction to fifty-four full-time positions by the academic year 1974-75.6

The report of the faculty council issued on 22 March 1973 listed "fifty-four positions for the Bloomfield College faculty for the 1974-75 academic year," and indicated the qualifications appropriate to fill each one. The report also included two ad hoc committees unanimously approved by the faculty council on March 13--the ad hoc evaluation committee and the ad hoc appeals board. All faculty members tenured or untenured, were asked to fill out a questionnaire or a form of their own choosing to supply the ad hoc evaluation committee with information which they (the commmittee) would use to match the faculty with the various positions.

A few days after this report was issued, a delegation of ten faculty visited the Washington, D.C. offices of the AAUP. Of primary concern to them was their perception that tenure was not a primary consideration in determining the fit between the existing faculty and the fifty-four faculty positions described in the faculty council's report.7

This meeting took place on March 30. Associate General Secretary Jordan Kurland telephoned President Allshouse and asked that he be allowed to express his concern about the action taken on March 22 and that he be received at Bloomfield prior to the next faculty meeting on April 4, either on April 3 or April 4. Both President Allshouse and Dean Nodder were apprehensive about his coming just prior to a faculty meeting, especially when it became known that he would be meeting with the AAUP Bloomfield chapter. These concerns were expressed in a letter sent to Dr. Kurland on April 2 by Dean Nodder.

> It is our understanding that you are coming in response to several calls made recently by members of our faculty and as a result of a general invitation to visit our campus sometime, made when the four of us from Bloomfield visited in Washington several months ago. It is important to clarify the reason for your visit since you request the opportunity to come to the campus on the day of a faculty meeting, or the day preceeding it, in which there is likelihood that delicate issues will be raised. Your presence and whatever you say could be misinterpreted later if we do not clarify it in writing now. To summarize, you are coming at this time neither at the specific invitation of the administration or the Bloomfield Chapter of the AAUP, and you are coming to discuss Long Range Planning, not to be involved in current political issues being debated by our faculty.
>
> I hope that you will not misinterpret our desire to clarify the reason for your visit at this time as anything less than a welcome to you, however, as you can understand, the very prescence of a representative from the Washington AAUP office just prior to a delicate faculty meeting will be interpreted from a wide variety of assumptions and perspectives and may very well become an implicit, if not explicit, factor in our internal governance process. We look forward to meeting with you on Wednesday morning and I trust that others with whom you meet during your visit will share in making your visit a pleasant one.[8]

Apparently their apprehension was well founded as reported also in Dr. Allshouse's response to the ad hoc draft report.

F. It is asserted that, "At its meeting on April 4, the general faculty voted by 40 to 30 (with a few administrative officers voting) to repudiate the March 22 report of the Faculty Council." The facts are:

1. Dr. Kurland, according to reports from members of the faculty, urged adoption of a Substitute Plan at a special meeting of the AAUP Chapter just one half-hour prior to the faculty meeting, and did so in such a manner that many felt it constituted intervention into the internal due process and political life of Bloomfield's faculty. On April 10 I formally complained to Dr. Kurland; an excerpt of that letter follows.

> "Reports reaching me from the meeting of the Bloomfield Chapter of the AAUP last Wednesday, before our regular April faculty meeting, tend to confirm our apprehension, stated in Dean Nodder's letter to you of April 2, that your presence on the campus that day would become an implicit, if not explicit, factor in our internal governance process. For that reason we hoped that you would choose to come any time following the meeting of the faculty, since I am sure you would not want to put the national office in the position of influencing political decisions before our faculty. Because Stan and I were not invited to the meeting, we cannot make judgements from first-hand knowledge, but a number of faculty members have spoken of the role you played in securing support for a resolution which was introduced

at the faculty meeting immediately following the AAUP Chapter meeting. Some of our faculty members applauded your efforts; others objected to them.

"While Stan and I are always grateful for the opportunity to confer with you, either in Washington or Bloomfield, and we respect your relationship to our local Chapter, its members and officers, we do think that your visit was unfortunately untimely and your alleged role overpolitical, if accurately reported to us. At Bloomfield and, to my best knowledge, throughout the country, the AAUP has neither official nor unofficial status in a college governance system, and the politicalization of the AAUP as a caucus to present resolutions at a faculty meeting and to secure a sufficient number of votes to effectively predetermine the outcome of a vote at the faculty meeting raises serious questions as to the possible violation of the rights of those who are not members of the AAUP. Perhaps you were under enormous pressure by the President of our Chapter and members of the faculty to address the AAUP Chapter just prior to our faculty meeting. If that is the case, I do wish you had taken more seriously the apprehension which Stan raised to you in his letter. Furthermore, I fear that a dangerous precedent may have been set. If the AAUP with a majority voting bloc can introduce resolutions which do not appear on the agenda (which happened Wednesday) and effectively predetermine the outcome of a vote on any issue by meeting prior to the faculty meeting, then what appears as an open

> faculty democracy has been turned into a charade of a one-party system. Should that occur again, then certainly the presence of an AAUP national or regional official prior to a meeting of the faculty would be a major political issue."[9]

Another faculty member commenting on Dr. Kurland's visit wrote:

> In many ways, the timing and tenor of Dr. Kurland's visit to Bloomfield College on April 4 added a critical new dimension to the situation. As far as I could see, it legitimized open conflict, with the AAUP chapter meeting serving as the base for a stampede at the immediately ensuing Faculty Meeting.
>
> The Faculty Council Report had been the result of much anguish and deliberation. It was submitted unanimously and although discussion was long, only one recommendation regarding positions was not unanimous.
>
> The April 4 Faculty Meeting, and those that ensued, reflected a situation, in my mind, abetted by the national AAUP, that produced heat not light, little or no willingness to discuss feasible alternatives, indeed aspects of the Hobbesian state I had feared. The alternate plan, rushed before the Faculty, gave no sign of considering academic priorities, let alone considering that "the retention of a viable academic program should necessarily come first." For some of its drafters and supporters, "purges the new" (in ideas and personnel) appeared to have priority, others I gather from conversations hoped that eventually a middle ground could be found. The climate established April 4 made this most difficult indeed.[10]

As reported in the AAUP Bulletin, the meeting with the administrative officers and two of the faculty, Professors Robinson and Kaufman, "the Associate General Secretary cautioned against interpreting the March 22 report so as to allow dismissal of tenured faculty whose lack of fitness had not been demonstrated, while retaining nontenured faculty to occupy essentially the same positions. He also spoke against the requirement imposed on all faculty to enter their candidacies for the fifty-four positions, since under accepted principles of tenure the burden must be borne by an administration to prove a tenured professor unfit, not the reverse whereby the professor must prove himself fit."[11]

The differences were beginning to be focused at this point. The administration and some faculty were convinced that the situation of the college was one of financial exigency and were proceeding in their planning in a way suggested by the associate general secretary himself in a paper read at the AAC meetings in January 1972 entitled: Reducing Faculty Positions: Considerations of Sound Academic Practice. Two statements were taken to apply to their situation at Bloomfield by the administration and some faculty. First, "the termination of a faculty position because of bona fide financial exigency or bona fide reduction of program is not, nor was it ever meant to be, the same kind of formidable undertaking as dismissal for cause. The necessity for the reduction must be shown, and certain considerations of due process come into play, but it is neither required nor desirable in such cases to demonstrate that an individual, once judged fit to occupy a permanent position on the faculty, no longer possesses such fitness."[12] Second, "among the various considerations, difficult and often competing, that have to be taken into account, ... the retention of a viable academic program should necessarily come first."[13] The administration and some faculty who perceived the college's situation to be that of financial exigency operated in planning on this basis. Other faculty, primarily those whose security was threatened by the potential abolition of tenure, did not perceive the college to be operating under financial exigency, or, even perceiving this to be the case, felt that the principle of tenure had absolute priority over all others in academic planning.

At the 4 April faculty meeting (the by-laws of the college state "The Faculty shall consist of the President, the Dean of the College, all full-time members of the teaching staff, the Dean of Students, the Registrar, the Director of Admissions, the Director of Continuing Education, the Librarian, other full-time professional librarians, and such part-time members of the teaching staff as may be designated by the President"), the general faculty voted forty to thirty against the 22 March report of the faculty council. At a special meeting of the faculty on 11 April, the faculty voted forty-three to twenty-seven to adopt a substitute plan. As reported in the ad hoc investigating committee report "the Substitute Plan called for the attainment of a balanced budget by the 1974-75 academic year through issuance of notice of nonreappointment to six nontenured members of the faculty."[14] President Allshouse rejected this plan and distributed a memorandum to the faculty giving his reasons.

> In view of the Faculty's action yesterday adopting the so-called 'Substitute Plan for the Systematic Reduction of Faculty Size Due to Financial Exigency,' I believe you should know my intentions regarding the resolution's recommendation that I implement the plan. As I indicated at the Faculty Meeting, the 'Substitute Plan' cannot fully be implemented for the following reasons:
>
> 1) The document fails to take cognizance of the financial planning parameters established by the Board of Trustees.
>
> 2) The document contains financial statements which are erroneous.
>
> 3) The document explicitly places adherence to the 1940 and 1958 AAUP statements on academic freedom, tenure, and due process as the primary criterion

for staff reductions rather than academic planning for the long-term viability of the College. The future interests of private higher education and Bloomfield College may not always be coincident with the institutional needs of AAUP.

4) Until such time as the President of the AAUP Chapter acts upon his verbal commitment made at the April 11th Faculty Meeting to resign from the Committee on Tenure and Faculty Advancement, I consider his presence as a serious potential conflict of interest and could not accept any review recommendations emanating from that Committee.

In the absence of any other review process that is working within the Board's financial and planning assumptions, I have asked the ad hoc Evaluation Committee to continue its work under the guidelines and timetables previously established.

Presupposing that the Faculty Welfare Committee can develop adequate procedures for the review of cases arising from this review process, and that the Faculty elects a representative committee at the May meeting, they should be able to provide the appeals function.

I deeply regret that it is not possible to accept the assumptions of the 'Substitute Plan' but those very assumptions have been a major contributing factor in the College's present enrollment difficulties. Under no circumstances could I recommend, in good conscience, to the Board that we move into the '70s and '80s by retreading the dubious paths of the '60s.

> For the Board's information I have distributed copies of the 'Substitute Plan.' [15]

In addition, he objected to the lack of concern evidenced in the substitute plan for academic planning. "The substitute plan did not make any reference to academic planning, the very element which should have had highest priority according to the AAUP's own guidelines for planning in financial exigency."[16]

The outcome of these events was a more explicit introduction of personal animosity between the president of the Bloomfield chapter of AAUP (one of the three faculty who introduced the substitute plan) and President Allshouse. The ad hoc investigating committee report stated "President Allshouse rejected the substitute plan, and he proceeded to inform Professor Robinson, a leader of the opposition to the administration-backed plans, that the latter's continued membership on decision-making committees would constitute 'a potential conflict of interest' with his position as president of the AAUP chapter."[17]

As quoted above, President Allshouse did not object to Professor Robinson's participation on decision-making committees per se. He agreed with the faculty council which had raised this issue in March, i.e., that as president of the Bloomfield AAUP chapter Professor Robinson should not serve on a committee to make decisions on tenure and faculty advancement when such decisions subsequently could be appealed through the AAUP. In his response to the draft of the ad hoc investigating committee President Allshouse noted that "Professor Robinson voluntarily consented to resign from the committee at the faculty meeting on April 11."[18]

Another indication of the atmosphere of the college is seen in a memo sent by Dean Nodder to Professor Robinson on 12 April.

> In the spirit of frankness which the President and I have attempted to develop with you, the AAUP and the entire faculty, I would point up to you

two concerns which have emerged as we have engaged in heated debate about the issues facing Bloomfield College at this crucial time in its history.

First, I have been deeply concerned by an almost total disregard of the well-being of the student during our discussions. I find that much of our attention has been given to student rights, and that the primary concern of the College, to provide the best educational program possible for our students, has so easily been lost sight of. I call upon the AAUP and the entire faculty to bring their obvious concerns for job security and their understandable anxiety about the uncertainty of employment into the perspective of our concern for students and the well-being of the College.

My second concern is the seeming lack of conformity of some faculty members to the 1966 Statement of the AAUP on Professional Ethics, endorsed by the Bloomfield College Faculty on May 17, 1971, anf the 1940 Statement on Principles of Academic Freedom and Tenure, endorsed by the AAC and the AAUP, and included as Point 10 in the By-Laws of the Bloomfield College Faculty.

In the former document, under Point 2, it says that the faculty member, 'avoids any exploitation of students for his private advantage, and acknowledges significant assistance from them.' I have been visited in recent weeks a number of times by students and faculty members who have expressed grave concern about certain faculty members who are stirring up students because they think their job security is being threatened. I would interpret this as exploitation of students for private advantage and would trust that if there is need to impose sanctions that the AAUP would be cooperative with us in doing so.

> In the 1940 statement contained in the By-Laws of the Bloomfield College Faculty, there is a statement which reads, 'The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject.' Again, it has come to my attention through the expressions of concern made by faculty and students that certain faculty members are using the classroom as a forum to express their own point of view on current political issues being debated in the faculty, and are failing to use the time for normal instructional purposes. Again, I would call on you to be cooperative in enforcing the principles which the professional organization, of whose local chapter you are President, has prepared and endorsed.
>
> If you wish to discuss this with me in general, or if you wish to discuss specific cases which have come to my attention, I would be happy to have your cooperation in this matter. [19]

As indicated in the original draft of the AAUP ad hoc investigation committee, this memo was perceived by Professor Robinson as a warning:

> Dean Nodder, in an April 12 letter to Professor Robinson, warned of "certain faculty members who are stirring up students because they think their job security is being threatened" and some who "are using the classroom as a forum to express their own point of view on current . . . issues . . . and are failing to use the time for normal instructional purposes."[20]

During this time all faculty members were requested to give the information asked for in the questionnaire developed for the purpose of ascertaining closeness of fit between the characteristics of each of the fifty-four faculty positions to remain for the 1974-75 academic year and the existing faculty members. Based on this information, the ad hoc committee on evaluation was at work determining the recommendations it would make to the dean, which he in turn would review for his recommendations to fill the fifty-four positions.

Concurrently, the local chapter of the AAUP was conducting a card signing campaign for the purpose of filing a petition with the NLRB for an election to determine whether there would be collective bargaining at Bloomfield.

> On May 11 a civil action was filed in the Superior Court of New Jersey by thirteen faculty members in an attempt to restrain the college administration from its course. The local AAUP chapter announced on May 22 that it had filed a petition with the National Labor Relations Board for certification as the exclusive representative of the faculty for purposes of collective bargaining. 21

Another factor entered the picture when the two commissions (Review Tenure and Retirement Policy and Explore Alternative Missions) issued reports in early June in favor of abolishing the tenure system and issuing one-year terminal contracts for all faculty for 1973-74 with the understanding that during this time individual multi-year contracts would be negotiated with all faculty remaining. Also proposed by the Commission to Explore Alternative Missions was a redefinition of the college's mission which included curricular changes with an interdisciplinary emphasis and the abolishment of academic departments in favor of discipline areas.

On June 8 at the general faculty meeting, "the June 5 report from the Commission to Explore Alternative Missions was rejected by vote of thirty-nine to seventeen." A substitute motion was then adopted by the same vote which rejected "the proposed restructuring of the faculty" and demanded that "the administration recognize the professional status of the present members of the faculty, and respect their right to reasonable job security."22

The Commission to Review Tenure and Retirement Policy voted to recommend to the board of trustees that at the June 21 board meeting the board abolish the existing tenure system and place all faculty on terminal contract for the 1973-74 year, with decsions on multi-year contracts to be made during this time.

This recommendation brought a quick response from the general secretary of the AAUP who "sent telegrams to President Allshouse and officers of the Board, urging the Board to reject the June 11 recommendation and reaffirm the College's commitment to academic freedom and tenure."[23] The president and the chairman of the board "stating that 'should the Board or administration act to abolish faculty tenure . . . we must advise based on discussions with our attorneys that legal rights of faculty . . . may be violated. Further, faculty have contractual and personal rights which (sic) Board may not unilaterally abrogate.' Accordingly, he advised that 'in event of such action by Board or administration, this association intends to move promptly to prevent implementation and otherwise to protect legal rights of Bloomfield faculty.' "[24]

At the June 21 board of trustees meeting President Allshouse presented the board with six alternative actions for the board members to consider. Under each he listed benefits and costs. For each of these alternatives the major focus was on alternatives faced by the college as a whole in terms of the kind of future the college would have, not the kind of future each faculty member would have. In listing these in order of preference President Allshouse suggested:

> We were able to determine rationally the consequences of our actions, I would rank the alternatives in the following order:
>
> 1. Close the present institution and form a small planning nucleus for two years;
> 2. Adopt the recommendations of the Board's Academic Affairs Committee;
> 3. Adopt the report of the Commission on Alternative Missions;

4. Adopt the Faculty Council Plan; and
5. Adopt the "Substitute Plan."

While I have reservations about the pluralism of the Commission's report and its lack of sharpness, much more specificity will come in the honing process during the years ahead. There are aspects of the Commission's report, as embodied in the recommendations of the Board's Academic Affairs Committee, which are genuinely exciting and could provide a distinctive new future for Bloomfield College.

1. A new focus on the adult learner means that continuous learning will become a teaching form and we will become increasingly focused on the learning needs of the 22 to 65-year-old sector of our population.
2. A total curriculum which places emphasis upon the relation of careers and professions to the liberal arts disciplines may permit us to integrate reflection and choice, thought and action more imaginatively than it has been accomplished anywhere else. The academic disciplines may finally become ways to free us for meaningful action and prepare our students for effective lives of work.
3. There is potential here for the evolution of a learning community in which all members contract for the use of their human resouces and engage in open and direct shared learning. Methods could be employed for faculty to develop learning contracts for personal development and studies could contract with the community not only to receive instruction but also to give from their

talents. Student learning contracts should integrate a person's present skills and abilities with the College's resources to help the student form specific goals which can be accomplished and evaluated.

4. I see a great possibility in the development of special institute programs which would like (sic) our College into the growing edge of social and institutional development in the metropolitan area. Through the careful selection of topics and leadership, we could become the regional center for community and human self-renewal.
5. I foresee in the Commission's recommendations the potential for our College as a network of talent and ideas not spatially bound to the classroom or campus but shaped by human interest and need.

As I consider my commitment to such a program, you should know where my emphasis would be placed.

1. Primary attention must be given to developing a governance system that (a) protects the freedom of inquiry and the free pursuit of ideas; (b) challenges the creative person; (c) facilitates and rewards human interaction among all members of the College community. The development of a system of humane governance with adequate protection for the free pursuit of ideas is critical. We must consider major revisions in the Constitution and Bylaws of the Board and the Bylaws and Standing Rules of the Faculty.
2. Both to begin the healing process caused by years of past divisiveness and to develop as a learning

community, we must initiate an intensive program for teaching and personal self-renewal. The commitment of our entire College must be made forcefully to various modes, such as personal growth laboratories, workshops on learning, etc., of sensitizing us to each other's needs and potentialities. We must place our highest priority on the development of community trust and self-confidence. Special faculty and administrative resources will have to devote full time to this regenerative process.

3. We need to see ourselves as a human experiment, an institution whose character and processes are determined by the needs of the learning community, not one which forces pre-formed processes, courses, or requirments on the learner.
4. A major emphasis must be placed on evaluation and the assessment of our learning systems. A new concept of faculty contracting for learning and evaluation is only one aspect of what must be an intensive spirit of outcome analysis. Are we really accomplishing our educational objectives and how do we know it? Such an evaluation program should be completed by the next Middle States review.

We have a great opportunity to take a College that for too long has been torn by fear, agonized by low self-esteem, and complacent in its self-imposed structures and develop it into a learning community in which we can live creative lives in the midst of ambiguity, build on each other's strengths, and grow through our honest frailty.[25]

In this meeting the board adopted the plan which was third on President Allshouse's list of priorities, the report of the Commission on Alternative Missions. "The existing system of tenure was abolished by the board and all faculty were placed on one-year terminal contracts for the 1973-74 academic year, until such time as new contracts might be negotiated. In addition, in an action which had not been the subject of any advance discussion with the association, the board moved to separate eleven tenured faculty members and two nontenured faculty members immediately from all faculty functions, barring them from their classrooms and from the right to vote, although their full salaries were to be paid for the 1973-74 academic year."[26]

These actions were reported in a special faculty meeting called by President Allshouse on June 28. The faculty present at this meeting added an item to the agenda and by 28 to 25 vote indicated that it"'hereby expresses no confidence in the leadership' of the President and the Dean."[27]

The issues were now drawn. The National AAUP acted on its promise "to prevent implementation and otherwise to protect legal rights of Bloomfield faculty."[28] On July 13 President Allshouse was informed by Acting General Secretary Jordan Kurland "that he was authorizing the expenditure of national association funds to support litigation about to be entered by the Bloomfield College faculty, and on July 16 he informed the president of the appointment of the undersigned ad hoc investigatory committee."[29]

Not only was the National AAUP to be involved in court action against Bloomfield College, but Bloomfield College was also to be the focus of an ad hoc investigating committee and thus subject to censure. Dates were set, July 28-30, for a visit to the campus by the ad hoc investigating committee of the AAUP. President Allshouse was notified of these dates and the letter addressed to President Allshouse was also sent to all the faculty indicating the interest of the AAUP. President Allshouse objected to the date and the distribution of this letter to all the faculty, especially since an election regarding the choice of a collective bargaining agent was coming up soon.

"On July 30 the Bloomfield chapter of AAUP and individual faculty members entered legal action in the Superior Court of New Jersey (the litigation entered on May 11 being subsequently withdrawn) against the president and the board of trustees, who were charged with having breached the contract between the college and its faculty members."30

At the same time the officers of the Bloomfield AAUP chapter, having filed a petition with the NLRB for recognition as the exclusive bargaining agent of the faculty at Bloomfield, were conducting an election campaign. The election was set for late July 1973. Of those voting, approximately 75 percent voted for AAUP. The NLRB certified the Bloomfield chapter AAUP as the faculty's representative for purposes of collective bargaining on 8 August 1973.

Summary

The movement toward the formation of a collective bargaining unit emerged as a response of some (a majority) of the faculty toward the administration and some of the faculty (a minority) who were pushing for radical changes in the mission, organization, and contracting system of Bloomfield College. The AAUP's perception of the issues are stated in the conclusion to the ad hoc investigation committee's report.

> 1. Thirteen members of the Bloomfield College faculty, of whom eleven were tenured, were dismissed by the administration and Board of Trustees in flagrant violation of the principles of academic freedom, tenure, and due process as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure and the official policies of Bloomfield College up to the time of the action calling for the dismissals.
>
> 2. The adminstration of Bloomfield College has not demonstrated that these terminations of appointment

were necessitated by Bona Fide financial exigency; appointments made since these actions suggest strongly that other objectives were involved, for which a claim of financial exigency was designated to serve as a cover.

3. The abolition of the existing system of tenure at Bloomfield College by the administration and Board of Trustees, in the face of strenuous objection by the majority of the faculty; is an unconscionable repudiation of basic principales of academic freedom and tenure to which the overwhelming weight of opinion and practice in American colleges and universities is firmly commited; it merits condemnation in the strongest terms.[31]

The administration felt its actions had been precipitated by the economic condition of the college and the bleak outlook for the continued life of the college under present curricular and program organization and existing faculty quality. The necessity of changing the college was based upon the perception that to draw a different type of student in order to maintain a viable college it was necessary to reorganize internally. Their perception was that the college existed under "financial exigency" and thus could move to dismiss untenured faculty according to the AAUP's own guidelines. The basis for abolishing the system of tenure was an extension of their perception that in order to reorganize in the face of financial exigency greater flexibility in planning and use of resources was needed, in fact mandated.

The outcome of this conflict, which was unresolvable in a satisfacotry way to all parties of interest in a consensus decision-making mode, i.e., traditional governance, was the assertion of bureaucratic authority on the part of the administration and the decision of the majority of the faculty to adopt a collective bargaining relationship as the only alternative left to them for continued participation in decision-making.

The national AAUP played an important role in moving the faculty towards bargaining by its active participation in local events. While the national AAUP officials visiting the campus were not actively pushing collective bargaining as an alternative, their direct involvement in local decision-making, nevertheless, facilitated the transition into bargaining. Indeed, Bloomfield College is the only New Jersey institution in which the influence of national officials (through local campus visits) played an important part in the unionization of a faculty.

NOTES

1. AAUP, Bloomfield Chapter, et al. -N.J. Supr.- (Ch. Div. 1974) aff. - N.J. supr. - (App. Div. 1975), p.6.

2. Ibid., p. 13.

3. Alexander W. Astin and Calvin B.T. Lee, The Invisible College: A Profile of Small, Private (Liberal Arts) Colleges with Limited Resources. (New York: McGraw Hill Book Co., 1972) pp. 94-96. Quoted in Merle F. Allshouse, President, Bloomfield College to Jordan Kurland, Associate General Secretary, AAUP. Response to the ad hoc investigation committee report, initial draft. pp. 27-28. (Hereinafter referred to as Allshouse to Kurland.)

4. Committee A on Academic Freedom and Tenure, "Bloomfield College," American Association of University Professors Bulletin, Spring, 1974. p. 52.

5. Allshouse to Kurland, p. 4.

6. AAUP Bulletin, p. 52.

7. Ibid.

8. Allshouse to Kurland, pp. 78-79.

9. Ibid., pp. 79-80.

10. Letter, Dr. Walter C. Kaufman, Prof. of Sociology, Bloomfield College Faculty to Dr. Jordan Kurland, Associate General Secretary AAUP, as quoted in Allshouse to Kurland, p. 52.

11. AAUP Bulletin, p. 52.

12. Kurland, Jordan, "Reducing Faculty Positions: Considerations of Sound Academic Planning Practice," 11 Jan. 1972, p. 3, as quoted in letter, Kaufman to Kurland in Allshouse to Kurland, p. 51.

13. Ibid.

14. AAUP Bulletin, p. 53.

15. Allshouse to Kurland, pp. 5-6.

16. Ibid., p. 6.

17. AAUP Bulletin, p. 53.

18. Allshouse to Kurland, p. 6.

19. Allshouse to Kurland, pp. 6-7.

20. Allshouse to Kurland, p. 6.

21. AAUP Bulletin, p. 53.

22. Ibid., p. 54.

23. Ibid.

24. Ibid.

25. Allshouse to Kurland, Appendix A.

26. AAUP Bulletin, p. 54.

27. Ibid.

28. Ibid.

29. Ibid.

30. Ibid., p. 55

31. Ibid., p. 64.

FAIRLEIGH DICKINSON UNIVERSITY

Background

Fairleigh Dickinson University is a large, private university with three widely-separated campus locations in the northern half of New Jersey. From its origins as a junior college in 1942 with a handful of students, the university has grown to be one of the largest private colleges or universities in the country. Currently, the institution has approximately 20,000 students and 550 full-time faculty. Fairleigh Dickinson offers a wide range of undergraduate and graduate programs, including a dental school.

From its founding in 1942 until 1967, Fairleigh Dickinson University was headed by the same man, President Peter Sammartino. The story of the origins of bargaining at Fairleigh Dickinson is related in an important way to the stresses and strains inherent in transferring the presidency from an essentially autocratic leader to subsequent presidents who attempted to formalize and decentralize decision-making authority.

In reaction to some of the policies instituted by President J. Osborne Fuller, Sammartino's successor, the AFT, which had formed a chapter on the Teaneck campus in 1967 in response to a faculty-administration problem on that campus, increased its activities. However, a decision was made at that time not to move to collective bargaining. When the AFT eventually decided to move toward collective bargaining in the fall of 1971 by filing a petition for recognition on the Teaneck campus only, the AAUP, whose members had carried on many discussions about collective bargaining but who had not yet made a move to seek recognition, responded to protect their own interests by filing a petition for recognition as bargaining agent for a university-wide unit. The AAUP was eventually victorious in a closely contested run-off election, but only after the status of thirty-nine challenged ballots had been determined, most of which favored the AAUP. The intense competition between the AFT and the AAUP was a factor distinguishing the unionization of Fairleigh Dickinson University from other New Jersey experiences in private colleges.

The bargaining unit consisted of all full-time faculty, including professors emeriti and adjunct professors. Excluded from the unit were part-time faculty, librarians, and department chairpersons.

The Case of Fairleigh Dickinson University

Although bargaining was intitated in 1973, a chain of events going back to 1967 underlies the movement of the faculty toward unionization. In that year Peter Sammartino retired after twenty-five years as president. Up to 1963, President Sammartino was involved in all decisions of the college. In 1963, responding to outside pressures, he recommended and the board of trustees created the position of provost. The person appointed took over much of the day-to-day academic decision making while President Sammartino continued to control decision making on financial aspects of the university. This control retained its personalistic character since very few codified procedures were developed in relation to the university's accounting and budget practices. For example, decisions on compensation recommendations to the board of trustees were made by the president in consultation with a few close associates. While base salaries remained low over the years compared to salaries paid by surrounding colleges (including those in New York City), various means were developed by the president to supplement these salaries, including payment for advisement, counseling and registration work, thesis supervision, honors college, proctoring, substitute teaching, independent study, and advanced special projects.[1] It was later perceived by the faculty that these procedures increased his bargaining power relative to individual faculty members as these supplemental means were used to encourage faculty to do things the way the president desired.

Under President Sammartino there was little faculty participation in campus-wide or university-wide governance until an AAUP investigation created the circumstances favorable to the development of a faculty governance. In the early 1960s, over a two-year period, the AAUP's committee T (governance) investigated charges of interference in faculty matters. Since President Sammartino desired national recognition for Fairleigh Dickinson University as a high quality university, he was sensitive to the advice of the AAUP committee that in high quality institutions of higher education faculty are involved in campus and university-wide issues of governance. As a result of this exchange, an administration-faculty committee was created. Some documents on governance of the university came out of this committee, a basic one being entitled "Campus and College Structure." This report was approved by the university's board of trustees on 4 February 1963. It set forth the basic governance structure and decision processes for educational policies and faculty personnel matters. Due to its complexity--the university operated on three geographically separate campuses, with six different academic colleges, some extending across all three campuses, some having the same boundary as the campuses on which they were located--the report established four levels of governance:

department, college, campus, and university. This governance procedure became the primary means for faculty involvement in educational policy of faculty personnel (excluding pay) recommendations.

Thus under prodding from faculty and the national AAUP, President Sammartino and the board of trustees had introduced a full-scale faculty governance scheme. This plan was continually modified up to the time of Dr. Sammartino's retirement in the spring of 1967. Just prior to his retirement, an event took place in response to which an AFT local was formed on the Teaneck Campus. This event demonstrated a weakness in the existing governance processes that allowed administrators to act unilaterally in a way faculty perceived as particularly threatening.

The academic dean of arts and sciences on the Teaneck Campus, acting on the basis of accreditation reports, but in the absence of any formalized due process procedures regarding the dismissal of faculty or removal of department chairmen, tried to remove a department chairman who had long-standing ties with the president and the board of trustees. (The existing governance documents stated that dismissal of a faculty member on tenure "shall be disposed of under the procedures outlined in the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings adopted by the American Association of University Professors and the Association of American Colleges."[2] These procedures had not been spelled out in the governance document and were not operable at this time.) At the same time he attempted (through the established recommending process) to deny tenure to this same department chairman's son for reasons he considered well founded academically. He ran into heavy political difficulties, lost his battle, and was dismissed himself.

In the fall of 1967, Fairleigh Dickinson opened under a new president, Dr. J. Osborne Fuller. Dr. Fuller came from a large, public, midwestern university where faculty governance had a long tradition. Dr. Fuller continued to push for even greater involvement of faculty in the governance mechanisms. A new committee called the "Committee of Evaluation and Goals" was recommended by the faculty council and established by the board of trustees. The final outcome of this committee was the recommendation to establish a university senate. The basic difference between the university senate and the university council was the all-inclusive nature of the university senate. The university senate was to be made up of faculty, students, staff, administrators, and alumni, with the majority being faculty--68 of 108.[3]

During the same time these recommendations for change in the university governance structure and process were taking place, President Fuller brought into the university a new financial vice-president. The new vice-president began the long process of implementing modern fiscal procedures. The implementation of these procedures was especially difficult given the highly personalistic style of the previous president in budget matters. This was to bring about many problems for the new administration, as will be seen, creating an image among the faculty of an incompetent or devious administrator.

The result of this movement toward decision making on the basis of standardized rules and procedures was a shifting of decision making downward in many instances. This new approach was accompanied by faculty uncertainty and subsequent conflict between faculty and administration.

Soon after his arrival, President Fuller proposed a new pay scheme, which to the faculty seemed to go against the democratic approach to leadership that he had espoused. President Fuller proposed the elimination of a $400 annual salary increment in favor of a merit increase plan.[4] This increment had been received for the past two or three years and had thus come to be expected by the faculty. The faculty objected strenuously to this proposal for three reasons.

First, the amount allocated for merit increases would mean that even if merit increases were selectively given, i.e., not to all faculty, the amount for each faculty member would be less than the $400 increment received the past two years (itself an increase of only 3 percent). Second, the faculty objected to the method by which the criteria for determining merit were established (by administration), and third, the faculty objected to the criteria themselves.

In an open letter to the faculty the Teaneck AAUP executive committee reported its recollection of the substance of their conversation between themselves and President Fuller.

Ques. What are the real objectives of this merit program?

Ans. To encourage a selective faculty.

Ques. What universities have a merit system?

Ans. All Big Ten schools have some form of merit system, and all of the state colleges in Ohio. Also some midwestern industrial firms.

Ques. How many of these schools have continued the program and how many have terminated the program? What are the reasons for termination?

Ans. None that I know of. Some have revised it to make improvements.

Ques. Are the subjective questions in the evaluation fair?

Ans. I believe they are fair.

Ques. What grievance procedure is established if one feels he hasn't been treated fairly concerning a merit raise?

Ans. There is none.

Ques. a. How much money is involved in the merit program?

b. How much is allocated to each college (method or formula used)?

c. How much is allocated to each department (method or formula used)?

Ans. a. I asked for a certain total, primarily based on what has been done in the past at Fairleigh Dickinson University. I am fully aware that it is a small amount, but it is a start and I did want to get something started.

b. The total was turned over to the provost to allocate to the various colleges.

c. The allocation to the college was turned over to the college dean to allocate to the various departments in the college.

Ques. Shouldn't salaries be adjusted first before merit raises are given?

Ans. This would be a good thing to do but cannot be done at this time. I strongly believe in and favor a merit system. I hope the chairmen, deans, and provost take adjustments into consideration in this merit program and try to work it in some way.

Ques. What about next year (1968-69) and the future?

Ans. I cannot say at this time. I want to see how this program works out first. I want to take them one at a time.

Ques. Do you feel that the faculty has participated in setting up the structure of this merit program?

Ans. No, but I had to get it started because I felt something had to be done. I am sure changes will have to be made as we go along.[5]

Faculty dissatisfaction over this issue laid the groundwork for the future unionization of the university. The AAUP held many meetings discussing what forms of action were available to them. At one point the leadership of the Teaneck chapter called for a meeting on 20 December 1967,

> To Consider:
>
> I. Drastic measures such as will express firmly and categorically the faculty's rejection of the administration's formula for salary adjustments.
>
> To Consider:
>
> II. In the event that the membership fails to support effective action, the chair will entertain a motion that the Teaneck Chapter of the AAUP be dissolved.
>
> To Consider:
>
> III. The disposition of the funds in the treasury if a motion to dissolve the Chapter is put forward and passed.
>
> IF THE CHAPTER CANNOT AGREE UPON AND SUPPORT EFFECTIVE RESISTANCE TO THE ADMINISTRATION'S STAND ON

> SALARIES AND IF THE MEMBERSHIP FAILS TO VOTE THE DISSOLUTION OF THE CHAPTER, THE PRESIDENT AND THE MEMBERS OF HIS EXECUTIVE BOARD WILL THEN RESIGN, EFFECTIVE IMMEDIATELY.[6]

At the same time the AFT leadership was seriously considering the alternative of movement toward the formation of a collective bargaining unit;[7] however, it was concluded that the time was not quite right for such a movement.

Salary Negotiations

In 1969, a salary report called the "Caramadis Report" was issued by a group of faculty members on the Teaneck campus who were dissatisfied with the increment received that year and with the faculty salary structure in general. In the report, Fairleigh Dickinson faculty salaries were compared to those of other nearby institutions and a recommendation for a salary increase of 6 to 7 percent was derived from these comparisons. The denial of the validity of some aspects of the report by the administration angered the faculty.

So, in the spring of 1969, the steering committee of the AFT local at Teaneck decided that they should seek negotiations with the administration on salary increases. However, since the AFT did not represent the total faculty at Teaneck and since they had already determined that it was not the appropriate time to enter into collective bargaining with the administration, the only option open to the AFT leadership was to propose an ad hoc committee be formed out of a Teaneck faculty meeting.

The administration refused to talk with this committee because they represented only the Teaneck campus faculty. The AFT did not have a local on either of the other two campuses, Rutherford or Madison. As a result, representatives from the other two campuses who were members of the AAUP were selected at campus faculty meetings. In this way the tri-campus ad hoc salary committee was formed and negotiations with the administration began. The faculty were to have their salaries determined by the activities of this committee for the next two years.

In the first year, the salary committee was told by the university administration that it was unable to provide any kind of salary increase. At the same time, however, President Fuller made available to the committee some of the university financial data. After working with this for a while, the committee returned and was able to show the president how the university could afford not only the 6 or 7 percent, but even more. The committee pushed for "even more."

A part of the push for "even more" on one campus during the negotiations for an increase in salary for the 1969-70 academic year was the strategy of withholding contracts. At the Teaneck campus, the only campus where this action took place, thirty-nine members of the Teaneck faculty agreed to place their unsigned contracts in the custody of the ad hoc committee for safe keeping until an indication of a successful outcome of faculty-administration meetings was evident.[8] Eventually the faculty gained a considerably larger increase, a 10 percent across-the-board pay increase plus 5 percent added to 1968-69 base salaries.[9]

The outcome of these negotiating sessions served to demonstrate (for the moment) that ad hoc group activity was a viable means of gaining salary increases. It also served to decrease the credibility of the administration both on the basis of perceived incompetency (the administration doesn't know how to manage the university finances) and the perception that the administration had attempted to deceive the faculty--a situation which boded ill for future negotiations.

The next year's negotiations were much shorter and resulted in another sizable increase for the faculty. In 1971, (negotiations for the 1972-73 academic year) the administration began initial meetings with a statement similar to that made in preceding years that the financial picture of the university made it impossible to grant any general faculty increase.

Once again the discussions focused on the claim of the administration that its resources were limited. "During the initial discussions, it was the position of the administration that the university would have no funds available for a general wage increase for the full-time faculty and proposed simply that a fund for promotion increments in the amount of $50,000 be budgeted and that the university assume one-half of the cost of Blue Cross/ Blue Shield family coverage."[10]

Three members of the faculty committee, one from each campus, formed into a budget review committee to analyze the financial data given to the committee by the university and upon which the proposal given above was based. Reportedly, out of the review by this three-member committee, serious questions were raised about the administration's claims of economic deprivation. It appeared from this committee's analysis that the university would be able to project a surplus. Apparently there was some validity to these findings since the faculty were eventually able to achieve an increase of 11.2 percent.

The 11.2 percent increase came, according to the understanding of the administration, with the agreement that an eleven-point program "concerning faculty goals, policies, and actions..." be implemented. The administration's perception of the discussions left them with "no doubt that the faculty agreed to this amount with the full understanding that the administration would proceed to implement the eleven points."[11]

Prior to the start of the 1971-72 academic year, the wage-price freeze was declared by the federal government and the 11.2 percent increase was jeopardized. On 24 September 1971 President Fuller sent out the President's Newsletter to all faculty. It stated:

> Following many days of intense work, our attorneys have reached an opinion that salaries for full-time faculty are not subject to the freeze. We are still working on the case for all other University personnel and while our attorneys have indicated that we have little cause to be optimistic, we are exerting the same diligent

> effort on their behalf as we did for full-time faculty.
>
> The lawyer's opinion is attached. You will note that the case is based upon the fact that the administration has implemented procedures which require the faculty to perform additional services without additional compensation beyond the base salary. In the past the faculty was paid separately for this work. Also, the faculty is required to conduct classes, hold office hours or engage in University work on campus at least four days a week. This will enable greater participation in counseling, committee activity and other services to the students and the University.
>
> In preparing documentation to determine the applicability of the freeze to the full-time faculty salaries, the administration and faculty have worked together effectively. For example, faculty, their counsel, the administration and the University's counsel exchanged facts and opinions to develop a documented case.
>
> As a period of ten days is required to produce checks for the faculty, it was necessary to start production of these checks on September 20th. The legal opinion was received late on the evening of September 23rd and therefore, the September check will not reflect the 11.2% salary increase for full-time faculty. In October, along with the regular end-of-month paycheck, a special check will be issued making the full adjustment now possible as a result of legal opinion.
>
> I have been gratified by the feeling of reinforced mutual trust that has developed during this period of meetings. Recognizing that the issue has been determined for only one group of University personnel, we must all continue our sense of common purpose.[12]

The administration then took this opportunity to legitimatize the implementation of the following eleven points:

1. Increases of the present student-per-faculty ratio of 15 to 1 to 20 to 1 over a period of three years.

2. The present policy on outside employment to be strictly enforced. Violations of this policy to be considered as abrogating the individual's contract with the University.

3. Teaching schedules of at least four days per week with at least four regularly scheduled office hours each week.

4. College EPC's will review the curriculum majors, and make recommendations for their elimination when the number of student majors is small.

5. All classes enrolling fewer than 15 students will be studied by an appropriate all-campus committee composed of administrators, faculty, and students. The function of the committee will be to make recommendations relative to ways and means of reducing the number of such classes.

6. Beginning with September, 1971, there will be no extra compensation for faculty during the contractual year. This will include such activities as advisement, short-term substituting, student review and appeals committees, individual thesis supervision, honors program mentors, proctoring examinations, independent study, small group instruction, and registration.

7. Reduction in the number of faculty in departments or comparable academic units that are over-staffed.

8. Each department or comparable academic unit will institute a tutoring service for students. The tutors to be volunteers from the faculty other than the individuals teaching the courses and/or advanced students. The latter group

could be reimbursed by the student being tutored.

9. The faculty, through the UCEPC or its successor, will support the elimination of mid-year review of student records.

10. Consideration will be given to increasing the opportunity for independent study on the part of the students.

11. Review of quality of part-time instructors to get student reaction on quality of course and quality of instruction. Drop poor courses and instructors.[13]

The faculty, however, perceived the implementation of these eleven points as unilateral and not according to their understanding about decision making in the university.

The Move Towards Bargaining

This experience served to heighten the attractiveness of collective bargaining among the AFT leadership at the Teaneck campus and the AAUP leadership at all three campuses. After the negotiations (winter-spring 1971) which had resulted in the 11.2 percent increase, the report back to the AFT membership (spring 1971) included the suggestion that the ad hoc approach to negotiations was at an end. This This suggestion was based on the AFT faculty perception that while the administration had attempted to broaden the scope of negotiations, the faculty on the ad hoc salary committee were not authorized to do so. Moreover, there was a feeling among the AFT leadership that if the scope of negotiations was to be broadened there was nothing to compel the administration to agree to faculty positions. Finally, there was the sense that the faculty's ability to find holes in the budget was coming to an end as the administration became more adept at budget construction.

Accordingly, at their first meeting in the fall of 1971, the AFT (Local 1841) unanimously adopted a proposal to initiate a drive for faculty signatures. The plan was to petition the NLRB to certify the AFT as the bargaining agent in a bargaining unit encompassing the Teaneck campus. The executive committee of the AFT announced its intentions in the following letter to the faculty dated 1 November 1971:

> This year is particularly critical for our faculty. Not only do we have a vastly changed form of University government; we are confronted, as all Americans are, with the economic uncertainties of frozen wages and rising prices. Because we live in the metropolitan New York area, continuing inflation cuts away more of our income than that of workers in other parts of the country. The faculty salary scale at Fairleigh Dickinson must be kept in the perspective of local conditions.
>
> President Fuller has announced that he will not meet with the Salary Committee again. He has further articulated eleven points of direction for the future that bear significantly on the terms and conditions of our work at Fairleigh Dickinson. Some of the eleven points have already taken effect, for example, four-day teaching schedules and cancellation of a number of faculty stipends. The Teaneck faculty rejected these eleven points at a faculty meeting last spring; still, they are being implemented in the work of the University.
>
> Will we, the faculty, silently agree to increases in the student-faculty ratio, to reduction in the number of faculty, to elimination of courses with fewer than fifteen students?
>
> We believe our faculty urgently needs a stronger means to implement its mind and will in the life of the University. We believe our faculty needs its own individual and particular organization that can voice its professional views, insights, and convictions with a power that guarantees influence and participation in the direction

> of the University. We believe the Federation is this organization.
>
> Some of the principles and objectives the Federation stands for are:
>
> 1) faculty salaries that insure a worthy standard of living in the New York area;
> 2) an adequate pension plan;
> 3) greatly improved office and library facilities; facilities for faculty and departments to meet informally;
> 4) a limit on class size;
> 5) a reduced teaching load and a schedule of courses that encourages creative scholarship, creative teaching, and publication;
>
> We invite you to join the Fairleigh Dickinson Federation so that we may move at the earliest possible time toward an N.L.R.B. election to determine a bargaining agent for the faculty.
>
> The Federation means not only professional improvement, but of equal importance, it means the kind of protection of faculty rights that only a union with national affiliation can give.
>
> We stand for responsible unionism that creates the conditions and opportunities for professional excellence and security, that works for a greater University and a more excellent education for the students.[14]

The AFT letter and AFT tactics at subsequent meetings of the Teaneck faculty were offensive to AAUP leadership on the Teaneck campus and produced an immediate response from the AAUP. At a meeting called soon after the AFT's announcement, the AAUP decided to challenge the AFT. While discussions had been going on for some time within the AAUP about the possibility of collective bargaining, it is not likely that the AAUP would have initiated action moving towards collective bargaining at that time. But considerable antagonism had already developed between the AFT and the AAUP, so that when the AFT made their move, the AAUP felt compelled to respond.

Considerable time was spent by both organizations in gaining the required signatures. On 2 May 1972 the AFT filed its petition. President Fuller's newsletter announced the event:

> A Petition has been filed with the National Labor Relations Board, by the Fairleigh Dickinson Federation of College Teachers, Local 1841, American Federation of Teachers, AFL-CIO. It was received by the University on May 9, 1972.
>
> The Petition seeks an election to determine whether a group of professors consisting of all full-time and part-time faculty, department chairmen, adjunct faculty and emeriti at the Teaneck Campus wants to be represented by this Union.
>
> No determination has yet been made by the NLRB as to whether an election is in order, and the factual and legal issues involved are presently being investigated and considered by the Board.
>
> The Administration will attempt to keep you fully informed as to further developments, since this matter is of obvious importance to the entire University.[15]

The AAUP was not far behind. Soon after the reception of the petition from the AFT Local 1841, which covered only the Teaneck campus, the NLRB also received (sent on 18 May 1972)[16] a campus-wide petition from the Fairleigh Dickinson University Council of AAUP Chapters, submitted by the regional office of the AAUP.

The Bargaining Unit

The differing unit scope proposed in the two petitions indicated the basic disagreements between the parties over the scope of the bargaining unit. The chart below summarizes the major areas of disagreement.[17]

	AFT	AAUP	Administration
Campuses covered by unit	Teaneck campus only, excluding dental school	All campuses	All campuses
Faculty covered by unit	Full and part-time	Full-time	Full-time
Department chairmen	In	In	Out

Before the AFT began its signature campaign, they decided to seek a unit encompassing only the Teaneck campus--the source of its support. It was felt that to move to the other two campuses where the support for the AFT was in doubt would only slow down the process. It was also decided to include both full and part-time faculty in the proposed unit, although there was considerable discussion and even lingering disagreement over this decision.

The AAUP and the administration both thought that a university-wide unit of full-time faculty was the most appropriate unit. The administration disagreed with the two faculty groups about the status of the department chairmen.

While initial hearings were held at the NLRB regional office in Newark in May 1972, and the AFT and the AAUP had expected that an election would be held in the fall of 1972, the NLRB did not issue its decision until August 1973. On petition of the AAUP and the administration, the case had been transferred to Washington, D.C.

The NLRB's unit decision reflected the administration's position:

> All full-time faculty members employed by the Employer at its New Jersey campuses including the faculty of Edward Williams College located at the Teaneck Campus, professors emeriti, and adjunct

> professors, but excluding part-time faculty members, visiting professors, all officers and officials primarily engaged in administrative functions, librarians, laboratory personnel exclusively engaged in laboratory work, all supervisors as defined in the Act including department chairmen, guards and all other employees.[18]

However, prior to the actual election, the NLRB

> issued yet another Order....In that order the board made reference to the fact that on September 10, 1973, it had received a letter dated September 7, 1973, from Lloyd Ultan, requesting, on behalf of the faculty of the Edward Williams College, that their exclusion from the appropriate unit be reconsidered. As a result of Mr. Ultan's letter, and additional similar letters from both the attorney for the Local 1841, American Federation of Teachers, AFL-CIO, and the attorney for the American Association of University Professors, in which each agreed that the Edward Williams College faculty should be included in the unit, the board modified its previous unit determination and indicated that the faculty of Edward Williams College should be allowed to vote a challenged ballot.[19]

During the time between the filing of petitions and the NLRB decision on the unit a year later, several events took place which were of particular significance in relation to the movement of the faculty toward collective bargaining.

In the President's Newsletter, 21 February 1973, President Fuller commented on a press release concerning a meeting of the council members of the Borough of Rutherford. The press release concerned the possibility of a trade between the borough and Fairleigh Dickinson of one hundred acres of borough-owned meadowland for the Rutherford campus. The campus was to become the borough's four-year high school. President Fuller stated that no formal proposal had been made to the university nor had any commitment been made by the university.

The AFT made much of this event in an attempt to gain inroads on the Rutherford campus.

In an open letter to the board of trustees dated 1 March 1973, the Fairleigh Dickinson University Federation of Teachers stated:

> News stories have been appearing in the Record, the Times, and FDU newspapers on a proposal to exchange the Rutherford Campus for 100 acres of Hackensack swamps. The Administration has responded that it will consider the proposal, and the city of Rutherford and the governor of the state appear to back it.
>
> The result has been turmoil. The Rutherford faculty, having had experience with previous unilateral decisions made by the Trustees, is alarmed. Is this an opening move to abandon Rutherford, and with it, a part, if not all, of the faculty and staff? The Federation suspects that this is indeed the intent of the Board. We are shocked (but not surprised) by the Administration's cavalier handling of the matter, especially by the vague letter of President Fuller and the crass way the news was broached in the press, without prior dialog with the faculty or students at Rutherford. What, may we ask, goes on here?
>
> The Federation thinks it is time for the Board to level with the faculty and students, and reveal its intent. The Federation asks the Trustees to accept the resolutions passed by the Rutherford Campus Faculty Organization at its February 26th meeting, to wit:
>
> I. No action on the Meadowlands transfer shall be taken by the Board of Trustees without the approval of the Rutherford Campus Faculty Organization. (Passed by unanimous vote.)
>
> II. The officers of the Rutherford Campus Faculty Organization are to be involved in every meeting concerning

the Meadowlands transaction with the Town Board, the Board of Trustees and the Academic Council in so far as the Rutherford Campus is concerned, with full voting power. (Passed with six abstentions.)

The Federation supports in every way the efforts of the Rutherford Faculty in this matter, and it takes a dim view of the value of the 100 acres in question. The tract consists of a continuous pile of deep rubbish fill over swampy marsh; it is subject to intolerable buzzing of low-flying jet planes on the way to the airports; there are no sewers near enough to connect into; no roads or utilities. The amount of piling necessary to shore up a building would be astronomic.

The Federation, and especially the members of its Rutherford Chapter are requesting direct answers to three questions from the Board:

1. What assurance is to be given the Rutherford faculty and staff that their jobs will be assured?

2. Would the plan envisage wholesale transfer of faculty to Madison or Teaneck?

3. Would the necessary (and expensive) buildings be built and ready for occupancy at the new campus location before the Rutherford campus is abandoned?

4. What will be the total estimated cost?

5. Are the funds actually available?

6. Would spending the tens of millions of dollars needed in the costly buildings at the proposed campus improve the quality of education at FDU in any way at all? Wouldn't the money be better used on the present campuses to:

> a) Establish an endowment to keep tuition from rising,
>
> b) Provide faculty office space,
>
> c) Expand library and research facilities,
>
> d) Repair and maintain existing buildings?
>
> The Administration likes to remind us that we are all in the same boat. The passengers should know where the boat is headed: At the moment it seems headed for the shoals.[20]

While the AFT was making itself considerably visible over this incident, a member of the AAUP leadership at the Rutherford campus was actively but discreetly at work talking directly with President Fuller concerning this issue.

The possibility of an action such as this being taken without involving the faculty in any discussion of the issue was of grave concern to the faculty, especially as it affected job security.

Another significant event was the declaration of financial exigency by the board of trustees on 7 June 1973. This declaration came at the same time the Bloomfield College board of trustees (a nearby institution) had declared financial exigency and had suspended the Bloomfield tenure system and terminated thirteen faculty members (18 percent of the total faculty). In a letter[21] to the Fairleigh Dickinson faculty dated 30 June 1973, the president of the AFT local and the chairman of the Rutherford chapter congratulated the board of trustees on its decision to decline the proposal to move the Rutherford campus to the meadowlands. In addition, they suggested that now that the board of trustees had removed a contingency against which they had taken precautionary measures in declaring a state of financial exigency, the board could withdraw this declaration as well. This latter suggestion obviously did not meet with much success and a stronger attack on the administration's position of financial exigency was made. The federation letter of 9 July 1973 stated:

In view of the Federation the June 7 proclamation by Sen. Dickinson was not primarily to announce the pay freeze but to launch a broadly changed policy of retrenchment and wide-ranging reorganization in the University. The mode of operation, if recent weeks are a guide, is to keep the faculty in a state of apprehension. Declaring the "financial exigency" cleared the way for the Administration, if it wishes, to move against tenure, to create fear among the members of the faculty and staff, and to discourage collective bargaining and union membership.

The touchstone of the shift in policy is, of course, the "state of financial exigency," the same phrase that was the precursor to the suspension of tenure at Bloomfield College two weeks ago.

If it can be shown instead that FDU is solvent, the rationale for the new policy would be undercut. The Federation believes there is convincing evidence that the University is not in state of financial crisis: First, Sen. Dickinson conceded this point June 7, saying only that bad times were coming if the exigency were not declared now. Second, the Administration used the wrong projections to show that bad times are ahead. Third, the Administration did the same sort of forecasting in 1969, 1970, 1971, each time being off a million or two, as can be seen in this table.

	Projected deficit	Operating Surplus	Total Surplus
1969	$1,320,000	$ 17,000	$2,475,000
1970	$ 874,000	$1,455,000	$2,382,000
1971	$1,293,000	$ 611,000	$1,178,000
Totals	$3,487,000	$2,083,000	$6,035,000

This year the Administration projects, according to Sen. Dickinson, a drop of $1.1 million in tuition income, actually a smaller amount than President Fuller projected in the Spring of 1971. (That year he projected a

$1.3 million drop, but FDU realized a $3.1 million increase in tuition income.) The question now arises: If there was no financial exigency in 1971, how can there be one now? Why is the Administration in such a hurry while collective bargaining is pending? Could not the University wait until after the collective bargaining election and tuition income for the year had been determined?

The Federation, looking into the basis for the Administration's predictions, discovered the following:

Item: On March 14 the University projected an increase of $436,000 in tuition income for the coming year.

Item: On May 11, Vice President Pollack sent a document to the academic deans which included projections on enrollment. These conservatively produced an increase in tuition income of $240,000 next year, and at the end of four years indicate $2.2 million more income than Sen. Dickinson quoted.

Item: Figures from the admissions offices do not support the Administration's pessimistic view: Teaneck should have a freshman class of record size, graduate applications are up dramatically, and Edward Williams College is ahead by about 50% compared to this time last year.

Thus the figures in the table and the paragraphs above cast serious doubt on the accuracy of the Administration's predictions. Is there really an "exigency"? Was there solid justification for the unprecedented salary freeze?

The Federation believes the Administration developed the present strategy to intimidate the faculty and staff. If one accepts the gloomy picture that FDU is headed for bankruptcy and at the same time holds the

> view that the Federation would be intransigent at the bargaining table, he is quite likely to think: "If salary demands should tip the University into bankruptcy, or at least force it to use its 'gross scythe' on the faculty, I may be out of a job. Better to have last year's salary than no job at all--I'll stay out of the union; I'll vote against collective bargaining."
>
> If, on the other hand, you are feeling the pinch of runaway inflation on last year's pay and are opposed to the salary freeze, and if you are concerned about the trend of Administration actions, we invite you to: a) Join the Federation b) Choose the Federation as your bargaining agent c) Send a small contribution to help defray the legal costs the Federation is incurring in carrying on the battle for our rights. (Make out the check to "FDU Federation of College Teachers.")[22]

During this time also, decisions were made concerning faculty salary increases for the academic year 1972-73 and 1973-74. The circumstances surrounding these decisions and their outcomes were a significant factor in the decisive rejection of the no-agent option on the ballot in October 1973.

In the 1971-72 academic year a committee of the university senate was formed to deal with budgetary matters for the total university--the senate priorities committee. This committee began to take an active role in the determination of faculty salary and benefit changes. As a result of the activities of this committee and the legal questions involved for the administration by negotiating with a faculty group at the same time the faculty was moving to form a collective bargaining unit, the ad hoc salary committee died out. However, when the senate priorities committee recommended to the board of trustees a 2 percent salary increase plus $300 for each faculty member, the faculty as a whole were very upset. Despite the legal questions, the faculty insisted on greater input to the determination of salaries for the academic year 1973-74 when it became apparent that the NLRB was not going to reach a decision in time to determine a collective bargaining unit to carry out negotiations.

Their efforts to ensure more direct input resulted in the creation of a four-person group (in the middle of academic year 1972-73) as indicated in the following letter sent out by the chapter presidents of the AAUP.

TALKS BEGIN

FACULTY MEMBERS MEET WITH ADMINISTRATION TO DISCUSS COMPENSATION

After a considerable number of intense and productive conferences, the legal impediments to faculty discussions were cleared away, and four faculty members met in Rutherford on March 9 at 2:00 with members of the administration. Talks began.

The university attorney had taken the position that during this period, while our case is before the NLRB, it would be illegal for the administration to meet with the interim Tri-Campus Faculty-Salary-Compensation-Welfare Committee, as such action would tend to place that group in the position of a competing labor organization.

However, university counsel did say that the university could meet with any four faculty members, one each designated by AAUP, AFT, Tri-Campus Faculty-Salary... Committee, and the Priorities Committee of the Senate.

The executive Committees of the three AAUP chapters conferred first separately, and then together, through the Tri-Campus FDU Council of AAUP Chapters and unanimously selected its representative.

Faculty at the table were:

Wallace Arthur, designated by AAUP
Irvin Citron, designated by AFT
Peter Falley, designated by the Priorities Committee-Senate
Gilbert Steiner, designated by the interim Tri-Campus Faculty-Salary-Compensation-Welfare Committee

From the University Administration:

Jerome Pollack, Executive Vice-President
Lowell W. Herron, Vice-President for
Financial Affairs
William Zickler, Controller

The faculty requested full disclosure of all financial information with the exception of individual salary-identification, and the university officials agreed. The next meeting has been set for Wednesday, March 14.[23]

Five meetings were held, four in March and one in April. According to the President's Newsletter, quoting the report drafted and signed by the three faculty members drawn from 1) the tri-campus salary committee, 2) the AAUP, and 3 the AFT:

> The Fairleigh Dickinson University Administration...have had five meetings with the special representatives of the Tri-Campus Committee, the AFT and the AAUP, plus a representative of the Priorities Committee. At these meetings, an exhaustive study of the budgets for 1970-71, 1971-72, and projected budgets of 1972-73 and 1973-74, were conducted in a spirit of cooperation and candor. These meetings delved into every aspect of the University's financial operations.[24]

In the same newsletter, the president stated his understanding of the purpose of these meetings--basically to review and exchange budgetary information but not to engage in negotiations. The AFT leadership perceived these meetings differently, i.e., that they were to discuss salary matters.

Since action by the NLRB which would have mandated an election in the spring of 1973 was not taken, the administration's decision was that the board of trustees would rely on the procedures described by the senate bylaws--namely, that the senate priorities committee would make recommendations concerning salary matters to the senate and the senate in turn would make recommendations to the board of trustees which the board would consider prior to taking action on compensation levels for the coming year--1973-74.

The special faculty committee had argued against reporting to the senate priorities committee since they felt that the committee did not adequately represent faculty interests. A presentation was made directly to the senate, however, in disagreement with the recommendations of the senate priorities committee. The senate finally adopted the resolution of the senate priorities committee. When the university's board of trustees, instead of accepting the senate's report, declared financial exigency and rejected the recommendations of the report, the faculty were infuriated. Much time had been spent going over the financial information which had been represented to the faculty by the administration as a "full disclosure." While the faculty group still considered that some discrepancies existed, they, along with the rest of the faculty, felt there was no basis for the board of trustees' action. The faculty perceived that the only interpretation of this action was that the administration had deceived them in representing the information given to them as a full disclosure. In turn, the senate itself was exercised by the fact that the priorities committee was not involved or even made aware of the possibility of the declaration of financial exigency. (It should be noted, however, that the president of the senate, a faculty member, participated as a non-voting member of the board of trustees committee which considered and voted for financial exigency.)

The result of all this was to weaken further the administration's credibility vis-à-vis the faculty. Another result of this was the demonstration to the faculty of the weakness of the faculty position in a traditional governance structure (i.e., where the senate is a recommending body only).

The outcome of these events was to dramatize the claims being made by both the AFT and the AAUP that the time was right for the faculty at Fairleigh Dickinson University to organize as a collective bargaining unit. The only matter left was the determination of which agent would be certified.

The Campaign

AFT

The AFT election material concentrated on presenting the AFT as an aggressive, competent agent which would seek to provide a strong, legally enforceable contract for the faculty at Fairleigh Dickinson University.

SUMMARY OF THE AFT POSITION

AFT IS FOR a legally enforceable contract and automatic cost-of-living raises, restoration of purchasing power lost during the fake "financial exigency," systematic promotions, a living pension, no fixed retirement age, automatic sabbaticals, office space specified, tenure and job security guaranteed, class loads limited, deans evaluated, chairmen elected, broader fringe benefits, more support for research, better library facilities, but most important of all: GRIEVANCES AND DISPUTES TO BINDING ARBITRATION to put teeth in the contract. (Most AAUP contracts are toothless; the dispute is settled in the president's office.) VOTE RIGHT!

AFT IS AGAINST the squandering of funds by a blundering Administration, capricious discrimination against faculty, scurrilous attacks by Fuller in his muck-sheet "FDU-On-The-Line," shuffling of money out of academic needs into hair-brained enterprises like St. Croix, and the sub-rosa footsie between the Administration and AAUP, the johnny-lately-to-the-bargaining-table Association now calling itself a faculty union. At the polls, VOTE RIGHT!

HOW AFT WILL OPERATE

Because the leaders of the AFT are the same successful leaders of the Ad Hoc Committee you can depend on our experience: we know the way to succeed is to come to the faculty again and again for consultation and renewal of power. AFT will be democratic, home-run (but with the best technical and legal advice in the business). Nobody will

> be forced to join, nor pay dues. Be assured: AFT is of the faculty, by the faculty and for the faculty--and will fight your battles until we win.[25]

At the same time the AFT attempted to decrease the value of the AAUP by presenting it in the following manner:

> AAUP--THE ORGANIZATION WITH NEGATIVE APPEAL
>
> FIVE QUICK EXAMPLES OF AAUP NEGATIVE THINKING:
>
> 1. A vote for AAUP is a vote against the AFT.
>
>   We are not the heavies. AFT did not issue the statement of financial exigency. AFT did not direct deans and department heads to compile staff reports on tenure percentages.
>
>   Why support an organization that is more aggressive toward faculty than toward the administration?
>
> 2. A vote for AAUP is a vote against unionization.
>
>   Whether you like it or not, AAUP is a union by virtue of seeking to become a bargaining agent.
>
>   If you have to choose between unions, choose AFT--it has more experience in collective bargaining.
>
>   The one reason given out by the AAUP Bulletin as to why it lost over 5000 members in one year is faculty disillusionment with AAUP involvement in collective bargaining.
>
>   Is that the kind of organization you want to represent you?
>
> 3. A vote for AAUP is the closest thing to a No-Agent vote.

It is no secret that many faculty who voted originally for no-agent are being wooed by AAUP with that accommodating promise.

To those of you who support AAUP, I ask what kind of organization is it that so comfortably embraces a no-agent vote unless it is a no-agent organization in disguise?

And to those of you who voted no-agent, I urge you to take a stand--vote for, rather than against, something.

4. A vote for AAUP is a vote against advocacy relations.

It's lullabye-time again. Every member of the administration is your friend. We all belong to the same club. We are all civilized. No contract is necessary; gentlemen's agreement and all that. Shaking of the hands will do.

AFT pleads guilty: it is an advocate--for the faculty--not for the administration.

We are not barbarians. We will gladly shake hands, but only over a contract.

5. A vote for AAUP is a vote against Madison being dominated by Teaneck.

Nonsense. We have our own AFT chapter, our own officers and supporters. Madison priorities will not take a back seat to those of any of the other campuses.

And yet, in spite of the fact that AFT officially is visible on this campus, the assumption that Madison is such a monolithic AAUP bloc persists to the point where it is

> oppressive and even intimidating. One is made to feel like an oddball, a fink, an import from Teaneck.
>
> Unless you have openly taken a stand with AFT and spoken to colleagues, as I have, you have no idea of how many faculty find the AAUP "majority" at Madison withering. And one begins to wonder: if AAUP has such a palling effect on so many faculty and has done so little over the years to remove or reduce various sources of insecurity, how could such an organization stand up to an administration which often has exactly the same effect on faculty?
>
> VOTE POSITIVELY. VOTE FOR AFT.[26]

To support the AFT local financially, an agreement was reached that the cost would be shared equally among three groups: local, state, and national. Also, for the run-off election, the national AFT sent in two people to help mostly on the Madison and Rutherford campuses, where the AFT was the weakest.

AAUP

The AAUP council's campaign strategy was to build upon its affiliation with the national AAUP. The AAUP council represented itself as a responsible, professional association which does not "respond simplistically" to the problems of institutions of higher education. This is seen in their "Statement Concerning Declaration of Exigency," 22 June 1973.

> Deeply committed, by tradition and principles, to uncompromisingly professional criteria in its defence of faculty interests, the American Association of University Professors has always viewed equitable compensation as only one of many necessary objectives of the profession. It has also stressed the importance of job security as essential to the teacher-scholar's creative and

confident exercise of freedom of thought, inquiry, and expression. It has, thus, never responded simplistically to problems like the one allegedly now confronting the faculty of Fairleigh Dickinson University. The American Association of University Professors has always recognized its obligation to balance the extra dollars it seeks in a given faculty's pay checks against the financial health and continued academic vitality of the institution to which that faculty belongs.

Mindful of these facts, the Tri-Campus Executive Committee of the American Association of University Professors cannot reflexively condemn the recent Declaration of Financial Exigency by the Trustees of the University. We are willing to accept the possibility that the dangers which our university faces may be real. If they are, we, and our colleagues in the chapters, are willing to make whatever sacrifices we may have to make to protect the future of this university.

As of now, however, we are by no means convinced that these dangers are real. On the contrary, our careful study of the Declaration of Financial Exigency and the university financial reports for the last three years has not pursuaded us that the Board of Trustees has convincely justified the Declaration. We find clear evidence in the Declaration, for instance, of the Board's selectively distorted or inaccurate evaluation of data supplied by the Priorities Committee. We unhappily confess, furthermore, that more than one of the Board's cheerless conclusions and pessimistic projections seem to us to be based upon budgetary accounting techniques every bit as questionable as those that have so often puzzled us and strained our credulity in the past. We therefore ask the Board (1) to accede to the Association's previous request for salary adjustments

> cognizant of the inflationary economic pressures to which the faculty is being subjected, or (2) to give the Association's members--and all members of the university community--better reasons than those offered in the Declaration to accept as real the need for the painful sacrifices which the Declaration calls upon us to make.[27]

Their position on collective bargaining may be seen in this statement:

> Collective bargaining is, in our view, a step forward. However, collective bargaining can strengthen or weaken faculty's role in the operation of the total university. Therefore, it is doubly important that we establish a collective bargaining agent with a commitment to academic freedom, the idea of a university community, and a professional role for faculty. Historically, the AAUP has fought for these goals. The AAUP is the organization which can build simultaneously a strong collective bargaining posture with FDU administration, and a fuller role for faculty in a cooperative atmosphere.[28]

In turn the AAUP represented the AFT as an unprofessional group whose actions, if elected as the bargaining agent, would most likely result in irreparable damage to the university.

The campaign of the AAUP council of Fairleigh Dickinson chapters was also supported by the national AAUP. Continuous contact was maintained with several on-campus visits by the national AAUP's legal counsel.

The Administration

The administration's primary efforts to increase the value of a "no agent vote" and decrease the value of a vote for either the AFT or the AAUP involved the issuance of a paper called FDU- On The Line.[29] In this paper, the basic issues confronted were three: 1) current enrollment and financial picture of the university; 2) collegial governance; and 3) collective bargaining.

The administration attempted to raise the value of a "no agent" vote through their promise not to interpret such a vote as a vote for the status quo. "The faculty and administration of this University must interpret a vote not to form a union as a mandate to further the participation of the faculty in the affairs of the University and to engage in discussions on salaries and benefits in a manner appropriate to the professional status and role of the faculty."[30] At another place it was stated, "the University Administration is firmly committed to the principles of faculty participation in University governance, and prefers to continue these collegial arrangements."[31]

The administration's attempts to decrease the value of a vote for the AFT or the AAUP are seen in their predictions about the unfavorable consequences such a vote would have for the university. The following list of predictions are drawn from several articles in the paper: There will be a movement toward more explicit identifications and restrictions of management and employee groups and the rights associated with each group; there will be a destruction of the collegial spirit of the university in that no longer will there be public debate over issues of educational policy, instead these issues will be decided by a few at the bargaining table; educational policy will be determined more by its relation to financial considerations than by its relation to the development of a qualitative education program; the quality of education will deteriorate, no longer will faculty be rewarded for academic achievements, but only on the basis of length of service; in the development of educational programming where flexibility and creativity are most needed, we will find instead, standardization and rigidity.

The administration's attempts to discourage unionism by indicating that a "no" vote was not a vote for the status quo were likely undermined by earlier events which tended to weaken the administration's promise to build faculty governance. The failure of the administration's strategy is seen in the small number of faculty (approximately 6 percent) voting "no union."

The Elections

The first election was held on 15 and 16 October 1973, but the outcome was not determinative. The AAUP received 190 votes, the AFT 168 votes, and "no union" 22 votes. Since no alternatives received a majority of the votes a run-off election was necessary.

In the run-off election held on 19 and 20 November 1973, the AFT held a small lead (187-185) after the first count of the ballots.[32] But 39 challenged ballots were determinative of the final outcome, so a hearing was necessary to dispose of the challenged ballots. The challenged ballots included those of two lecturers, sixteen professors emeriti, two adjunct professors, six visiting professors, nine members of the faculty of Edward Williams College, and four whose ballots were challenged on the basis that they were supervising personnel.[33]

In the briefs filed on behalf of each of the parties, the AAUP and administration were in basic agreement and opposed to the AFT. In a ruling dated 11 March 1974,[34] the hearing officer of the NLRB indicated that the ballots of the full-time faculty in the following categories were to be included in the unit and therefore to be counted: Edward Williams College; emeriti and adjunct. These constituted 26 of the 39 challenged ballots. After these ballots were counted (21 of the 26 were for AAUP) the AAUP was certified as the bargaining agent for the faculty at Fairleigh Dickinson University. The final vote talley was 206-192.[35]

Summary

The emergence of bargaining at Fairleigh Dickinson University had its roots in organizational change and economic stringency. A change in leadership style when the first president retired upset established relationships. Even though the intent of the new administration was to decentralize authority and increase faculty participation, the policies of the new president were not always perceived as having been arrived at democratically. Indeed, a dispute over the new president's merit program led to the increased activity of an AFT chapter on one campus in 1969. The credibility of the new administration was seriously weakened when annual claims of financial difficulty were often successfully challenged by an ad hoc faculty committee which negotiated faculty salaries for several years prior to unionization. Other administrative actions perceived as unilateral and arbitrary by the faculty, such as the declaration of financial exigency, also led the faculty to question seriously the administration's motives in respect to faculty governance. In short, the new governance procedures were unable to cope with faculty insecurity deriving from claims of economic stringency, a change in leadership style, and perceived autocratic decision-making.

The negotiations carried on by the ad hoc salary committee several years prior to unionization demonstrated to faculty perceptions not only that the administration could not always be trusted, but also indicated the value of joint negotiations. The competition between the AFT and AAUP no doubt heightened faculty interest, and perhaps some faculty defensively voted for the AAUP rather than "no union" to keep the AFT out. Indeed, the AAUP probably would not have moved towards bargaining so quickly without the impetus provided by the AFT. But even without the impetus provided by the AFT, the deepening faculty-administration divisions at Fairleigh Dickinson University in the context of a state and region where the faculty are highly unionized likely would have produced bargaining in the not too distant future.

Notes

1. President's Newsletter #44, September 24, 1971.

2. Subcommittee on Faculty Personnel Policies and Administrative Structure, "Campus and College Structure," revised 1966, p. 22.

3. Letter, Irving Halevy, Chairman, University Council to Faculty and Administration, September 22, 1970.

4. Fairleigh Dickinson University, Tarrevir, Teaneck, New Jersey, December 20, 1967.

5. Letter, Teaneck AAUP Chapter executive committee to Fairleigh Dickinson University Faculty, December, 1967 (Mimeographed).

6. Emergency Notice, Selwyn Kittredge, President, Teaneck Chapter, AAUP, to all AAUP Members and Interested Faculty, Emergency Meeting of AAUP Chapter, December 20, 1967 (Mimeographed).

7. Fairleigh Dickinson University, *Tarrevir*, Teaneck, New Jersey, December 20, 1967.

8. *President's Newsletter #18*, March 27, 1969.

9. *President's Newsletter #20*, April 18, 1969.

10. Letter, Martin Clinton Conant, Esq., to Dr. J. Osborne Fuller, President, Fairleigh Dickinson University, September 23, 1971. This letter is attached to *President's Newsletter #44* dated September 24, 1971 (Mimeographed).

11. Ibid., p. 2.

12. *President's Newsletter #44*, September 24, 1971.

13. Ibid., attached to *Newsletter*.

14. Letter, The Executive Committee, Fairleigh Dickinson Federation of College Teachers, Local 1841 A.F.T. to the faculty, Teaneck Campus, Fairleigh Dickinson University, November 21, 1971 (Mimeographed).

15. *President's Newsletter #53*, May 15, 1972.

16. Letter, Martin Lapidus, Assistant Director Northeastern Regional Office AAUP to Regional Director National Labor Relations Board, Region #22, May 18, 1972.

17. Drawn from the briefs filed by the AFT, AAUP, and the Administration with the NLRB.

18. Agreement between Fairleigh Dickinson University and Fairleigh Dickinson University Council of American Association of University Professors Chapters, September 1, 1974-August 31, 1976, Article 2.2, p. 2.

19. Post Hearing Brief of Employer on Challenged Ballots, Ronald H. DeMarin for Lum, Brunno and Tompkins, Attorneys for Fairleigh Dickinson University, p. 1.

20. Open Letter, Fairleigh Dickinson Federation of Teachers to Fairleigh Dickinson University Board of Trustees, March 1, 1973 (Mimeographed).

21. Open Letter, Fairleigh Dickinson Federation of Teachers to Fairleigh Dickinson University Board of Trustees, June 7, 1973 (Mimeographed).

22. The Federation Letter, American Federation of Teachers, Fairleigh Dickinson University, July 9, 1973 (Mimeographed).

23. Newsletter, American Association of University Professors, Fairleigh Dickinson University, March 10, 1973 (Mimeographed).

24. President's Newsletter #70, April 25, 1973.

25. The Federation Letter, American Federation of Teachers, Fairleigh Dickinson University (Mimeographed).

26. The Federation Letter, American Federation of Teachers, Fairleigh Dickinson University, November, 1973.

27. Statement Concerning Declaration of Exigency, American Association of University Professors, Fairleigh Dickinson University, June 22, 1973 (Mimeographed).

28. American Association of University Professors, Fairleigh Dickinson University, Teaneck Chapter, September 28, 1972 (Mimeographed).

29. FDU - On The Line, Fairleigh Dickinson University, October 4, 1973.

30. Ibid., p. 3.

31. Ibid., p. 4.

32. Fairleigh Dickinson University, Rutherford Spectator, April 9, 1974.

33. Post Hearing Brief of Employer on Challenged Ballots, op. cit.

34. Newsletter, FDU Council of AAUP Chapters, March 15, 1974.

35. Newsletter, FDU Council of AAUP Chapters, April 8, 1975.